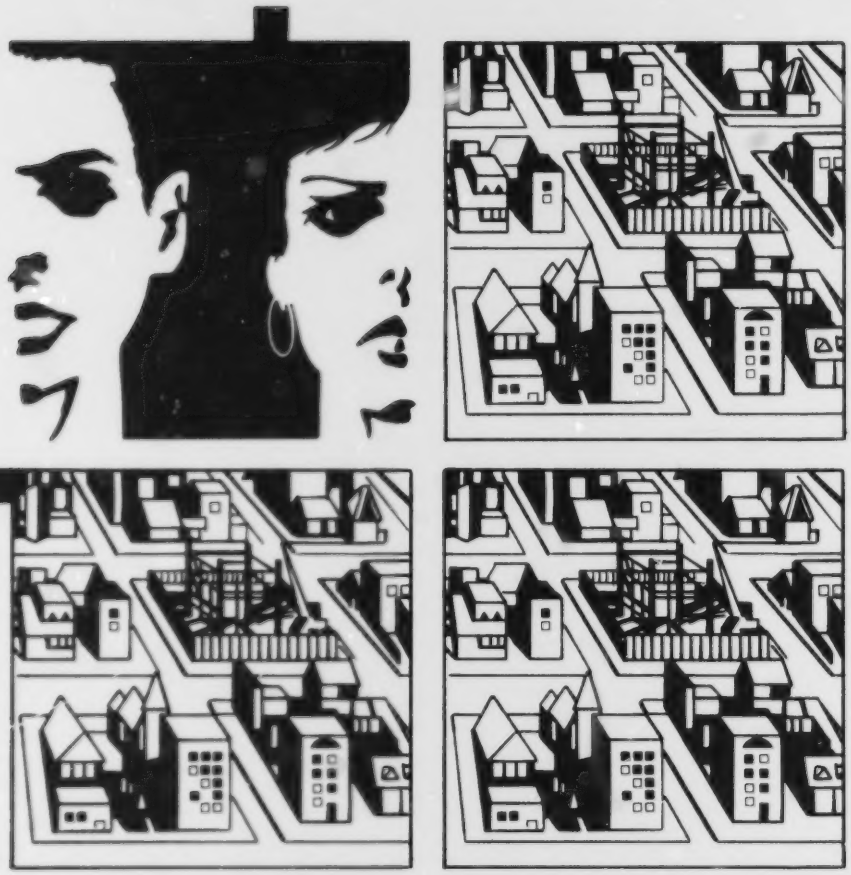
STREET PROSTITUTION

- Assessing the impact of the law
- **Halifax**



Department of Justice Canada
Ministère de la Justice Canada

STREET PROSTITUTION: ASSESSING THE IMPACT OF THE LAW

HALIFAX

Ekos Research Associates Inc.

90-05352/

Canadian Cataloguing in Publication Data

Main entry under title:

Street prostitution: assessing the impact of the law, Halifax

Originally publ.: Graves, Frank, 1953-
Street prostitution, assessing the impact of the law, Halifax. 1989

Issued also in French under title: La prostitution de rue.
Includes bibliographical references.
"JUS-P-550E"
ISBN 0-662-17116-0
DSS cat. no. J23-7/6-1989E

1. Prostitutes -- Legal status, laws, etc. -- Nova Scotia -- Halifax --. 2. Sex and law -- Nova Scotia -- Halifax. I. Ekos Research Associates. II. Graves, Frank, 1953- Street Prostitution. III. Canada. Dept. of Justice.

HQ150.H34F34 1990 364.1'534 C90-098534-8

The views expressed in this report are solely those of the authors and do not necessarily represent the views of the Department of Justice Canada.

Published by authority of the Minister of Justice and Attorney General of Canada

by

Communications and Public Affairs
Department of Justice Canada
Ottawa, Ontario
K1A 0H8

(613) 957-4222

Aussi disponible en français sous le titre
La Prostitution de rue: Effets de la Loi, Halifax

Catalogue No. J23-7/6-1989E
ISBN 0-662-17116-0

©Minister of Supply and Services Canada 1989

Reprinted 1990

Printed in Canada

JUS-P-550E

STUDY TEAM

Nick Falcon	Principal Investigator
Margaret Dechman	Field Supervisor
Sandi Harder Cynthia Manderson Mark Sheppard	Field Workers
Alyson MacLean	Editorial Assistant
Karin Lacey Joanne Marcotte	Word Processing

ACKNOWLEDGEMENTS

While no written words can possibly relay the gratitude which I feel, I nevertheless would like to express my sincere thanks to the following people:

Mr. John Wade, **Ms. Maureen Evans** and **Constable William McLeod** for their advice and assistance at the outset of this project.

All of the people with whom we spoke during the conduct of this study in Halifax. Without their participation, this evaluation would not have been possible.

Mr. John Fleischman, the project authority for the evaluation, for his patience and advice throughout the past ten months.

Ms. Susan Clarke for her insightful critiques of the final draft of this report.

And last, but by no means least, the members of the study team for their untiring persistence in completing this project.

TABLE OF CONTENTS

		Page
1.0	INTRODUCTION: PURPOSE OF THE STUDY	1
1.1	Background to the Legislation	1
1.2	The Provisions of Bill C-49	8
1.3	Purpose of the Study	9
1.4	Organisation of the Report	11
2.0	METHODOLOGY	13
2.1	Methodological Issues	13
2.2	Our Approach to the Evaluation	16
2.2.1	Impacts on the Criminal Justice System	17
2.2.2	Impacts on the Practice of Prostitution	19
2.3	Data Sources	21
2.3.1	Archival Records	21
2.3.2	Interviews	23
2.3.3	Field Observations	26
2.4	Analysis	27
3.0	THE CONTROL PRACTICES ASSOCIATED WITH BILL C-49 ..	29
3.1	Implementation of Bill C-49 by the Criminal Justice System	30
3.1.1	Background	30
3.1.2	Police Practices with Bill C-49	34
3.1.3	Crown Practices with Bill C-49	39
3.1.4	Interplay Between the Crown and the Police	42
3.2	Processing of Cases by the Criminal Justice System	43
3.2.1	Overview of Charges Laid Under C-49 ..	43
3.2.2	Overview of Court Proceedings for Charges Laid Under Bill C-49	53
3.2.3	Sentencing Variations	59
3.2.4	Changes in Crown Defense and Judicial Strategies and Evidentiary Requirements	65
3.2.5	Significant Jurisprudence in Halifax..	68

TABLE OF CONTENTS
CONTINUED

Page

4.0 THE PRACTICE OF PROSTITUTION IN HALIFAX 71

4.1 Field Observation of Street Prostitution 73
4.1.1 Patterns and Analysis: Time One 81
4.1.2 Patterns and Analysis: Time Two 92
4.1.3 Differences Between Time One and Time Two 95
4.1.4 Differences Between Pre- and Post-C-49 Observations 99

4.2 Profile of Persons Engaged in Prostitution .. 102
4.2.1 Quantitative Profile of Persons Engaged in Prostitution 103
4.2.2 Qualitative Profile of Persons Engaged in Prostitution 111
4.2.3 Changes Since 1984 117

4.3 Profile of Business Practices in the Street Trade 122
4.3.1 The Street Scene in 1987 122
4.3.2 Changes in the Street Scene Since 1984 129
4.3.3 Changes in the Street Scene Attributed to Bill C-49 132
4.3.4 Perceptions Expressed by Prostitutes Regarding Changes in the Control Practices Associated with C-49 138

4.4 Displacement: Profile of Off Street Prostitution 141

4.5 Police Perceptions Regarding Changes in the Street Scene Since Bill C-49 146

5.0 THE REACTION OF THE COMMUNITY TO THE LEGISLATION AND ITS IMPLEMENTATION 151

5.1 Newspaper Content Analysis 151

5.2 Social Agencies 162
5.2.1 Community Programs and Social Services for Prostitutes in Halifax 162
5.2.2 Changes in Programs, Services and the Nature of the Client Groups Due to Bill C-49 164
5.2.3 Perceptions Expressed by Prostitutes Regarding Social Services Available in the Community 166

TABLE OF CONTENTS
CONTINUED

Page

5.2.4 Perceptions of Changes in the Prostitution Scene Due to the Law Expressed by Social Agencies 168

5.3 Perceptions From Affected Neighbourhoods 174
5.3.1 Perceived Changes in Police and Crown Activities 174
5.3.2 Perceived Changes in Prostitution Activities 176
5.3.3 Satisfaction/Dissatisfaction with the Law 178

6.0 OVERVIEW OF THE IMPACTS AND EFFECTS OF BILL C-49 . 183

6.1 Intended Impacts of the Law 183
6.1.1 Reduction in Street Solicitation 183
6.1.2 Modification of Police Practices 187
6.1.3 Ease of Application of the Law 188

6.2 Unintended Impacts and Effects 190
6.2.1 Anticipated Unintended Impacts and Effects 191
6.2.2 Other Unintended Impacts 194

7.0 PROSTITUTION IN ST. JOHN'S NEWFOUNDLAND 195

8.0 SUMMARY AND CONCLUSIONS 201

8.1 Summary of Major Findings 201
8.1.1 Field Observation 201
8.1.2 Profile of Prostitutes 202
8.1.3 Changes in the Street Scene Due to Bill C-49 204
8.1.4 Processing of Cases by the Criminal Justice System 205
8.1.5 Capacity of the Social Services Sector to meet the Needs of Prostitutes 207

8.2 Conclusions 207
8.2.1 Reduction in Street Trade 207
8.2.2 Modification of Police Practices 209
8.2.3 Ease of Application of the Law 210
8.2.4 Displacement Effects 211
8.2.5 Juvenile Prostitution 212

8.3 Future Directions 213

TABLE OF CONTENTS
CONTINUED

9.0 BIBLIOGRAPHY..... 217

1.0 INTRODUCTION: PURPOSE OF THE STUDY

Bill C-49, amending Section 195.1 of the Criminal Code, was proclaimed by Parliament in December, 1985. The intent of the Bill was to make it easier to enforce the law related to street prostitution, and thus to control the incidence of the phenomenon. The Department of Justice has contracted evaluations of the intended and unintended impacts and effects of Bill C-49 on the control and practice of prostitution in five Canadian cities.[1] These evaluations focus on the implementation and enforcement of Bill C-49 and any changes that have occurred in the practice of prostitution since enactment of the legislation. This report presents the findings for the evaluation conducted in Halifax, Nova Scotia.

1.1 Background to the Legislation

The legal history associated with prostitution in Canada has been characterised by considerable change in both the intent and content of the law. Public concerns regarding prostitution as a social issue have shifted from a focus on the immorality of women, to a protectionist view of prostitutes as victims of immoral men, to a more general emphasis on the public nuisance elements of street prostitution. Concurrent with this shift, there has been an increased awareness of the many social and economic factors which both lead to prostitution and make it difficult for the prostitute to relinquish this lifestyle. While the shifts in public concerns have been reflected in changes to the Criminal Code, it is unclear whether the law should reflect an understanding of, and thus redress, the social and economic factors underlying prostitution.

---

[1] These cities, Halifax, Montreal, Toronto, Calgary and Vancouver, were identified by the Fraser Committee as those most seriously affected, at the community level, by prostitution.

Before one can embark upon a detailed examination of the current legislation, it is vital to have a clear understanding of how the laws relating to prostitution evolved over time. Constance Backhouse (1984) has written a short summary describing the historical evolution of the law related to prostitution in Canada. Backhouse notes that Canadian law relating to prostitution underwent three primary phases between the early nineteenth and late twentieth centuries beginning with a focus on regulation, followed by outright prohibition and finally, concentrating on rehabilitation.[1]

The earliest legislation regarding prostitution in Canada may be characterised as "regulatory" in that it was primarily intended to remove vagrants from the streets. This was followed by the enactment of specific prohibitive statutes which made it an offence for a prostitute to be in a public place for the purposes of prostitution. Finally, in the spirit of Victorian reforms, a rehabilitative approach to incarceration evolved in which women who were detained under court orders received the "benefits of correctional programs" designed to rescue them from the "evils under which they had fallen". The logical extension of this approach was to prevent women from ever entering prostitution. In keeping with this spirit, various statutes were enacted which made provisions for removing young girls from socially unacceptable environments and placing them in industrial refuges (work houses).

From 1867 to 1972, Section 175(1)(c) or "Vag.C" of the Criminal Code made it possible to arrest people suspected of being prostitutes if they were found in a

---

1 Constance Backhouse, "Canadian Prostitution Law, 1839 to 1972" in Prostitution in Canada. Ottawa: Canadian Advisory Council on the Status of Women, 1984.

public place and could not provide a "good" account for their activities. "Vag.C" was repealed in 1972 after a great deal of pressure from various groups was brought to bear on Canada's lawmakers. These groups were protesting the maintenance of a status offence which discriminated against women as most prostitutes were women. The law had little, if any, impact on men (in this case, customers).

Between 1972 and 1985, Section 195.1 of the Criminal Code dealt with the offence of soliciting in a public place for the purposes of prostitution.

> Every person who solicits any person in a public place for the purpose of prostitution is guilty of an offence punishable on summary conviction. (Section 195.1, Criminal Code of Canada).

As with earlier laws, the soliciting provisions of the Criminal Code did not make prostitution, per se, illegal, rather the means of obtaining customers in public were prohibited. The key to this legislation was the notion of "public place". Ironically, one of the major difficulties with the soliciting provisions stemmed from the ambiguity surrounding the notion of public places.

According to Section 179.(1) of the Criminal Code, a public place was defined as: "any place to which the public have access as of right or by invitation, express or implied". The question of whether or not an automobile constituted a public place had not, however, been clearly stated in the Criminal Code. The courts were not clear on this point either.

The majority judgement by the Supreme Court of Canada in the Hutt decision[1] was that automobiles were not

---

[1] R. v. Hutt (1978) 2 S.C.R., 476.

public places. This judgement was not, however, binding on lower courts as the issue was not included in the grounds for appeal (i.e., the comment was an obiter dictum).

While the Supreme Court determination regarding this issue may have been persuasive to lower courts, a number of decisions at the County and Provincial levels contradicted the judgement.[1] Thus, the status of automobiles remained ambiguous. To a large extent this posed a serious impediment to the soliciting provisions of the law as a significant proportion of street prostitution was carried out wholly or in part within motor vehicles.

Enforcement of Section 195.1 became an increasingly difficult task. Probably the most significant ruling regarding s.195.1 was handed down in the 1978 Hutt case whereby the Supreme Court ruled that the prostitute's behaviour in approaching a potential customer must be "pressing and persistent" in order to be considered as an offence under the soliciting provisions of the Criminal Code. Later decisions[2] strengthened the Hutt decision by specifying that pressing and persistent behaviour must be directed towards one individual. Thus, if a prostitute approached several potential customers, but did not persist with any one individual, the behaviour was completely within the legitimate bounds of the law.

---

1 For examples, in R. v. Wise ((1982) 67 C.C.C. (2d) 231) the British Columbia County Court of Cariboo ruled that automobiles constituted public places. Similarly, in R. v. Figlivzzi ((1980) 50 C.C.C. (2d) 144) the Alberta Court of Queen's Bench, and in R. v. McEwen ((1980) 4 W.W.R. 85) the Saskatchewan Provincial Court, ruled that automobiles constituted public places.

2 R. v. Whitter and R. v. Galiot (1981) 64 C.C.C. (2d) 1 (S.C.C.).

There were other problems with Section 195.1. For example, the definition of public places was inconsistently interpreted by the courts. Another problem stemmed from the ambiguity regarding the culpability of customers under the provisions of Section 195.1. Municipal attempts to circumvent section 195.1 through the enactment of city by-laws restricting or regulating street solicitation and public nuisances were, by and large, unsuccessful as soliciting for the purposes of prostitution was seen as being outside the mandate of municipalities.[1] Clearly, section 195.1 of the Criminal Code had become virtually useless as a mechanism for the control of street prostitution in Canada.

Reacting to pressures from municipalities, the provinces and well organised (urban) public interest groups, the Government of Canada established the Special Committee on Pornography and Prostitution (the Fraser Committee) in June, 1983. Specifically, the Committee was established:

- to consider prostitution in Canada with particular reference to street prostitution, off street prostitution, and the exploitation of prostitutes;
- to ascertain the views of the public concerning appropriate strategies for dealing with the problems associated with prostitution in Canada;
- to consider attempts by the United States, Europe and selected Commonwealth nations to deal with the problems associated with prostitution; and

---

1 A Calgary by-law was ruled invalid by the Supreme Court of Canada on the basis that it infringed upon the legislative powers of the federal government (R.V. Westendorp (1983) 68 C.C.C. (3d).).

- o to consider various alternatives and recommend solutions to the problems associated with prostitution in Canada.

The Committee held public meetings in 22 centres across Canada collecting public views concerning the problems associated with prostitution and suggestions regarding appropriate solutions. The views of the public fell primarily into two categories:

i) those who believed that solutions must include the implementation of strong federal laws designed to eliminate street prostitution; and

ii) those who believed solutions must include decriminalisation of prostitution and the implementation of rehabilitative programs which offer viable alternatives to prostitution.

The solutions aimed at eliminating street prostitution through the application of the criminal law were expressed primarily by the police, mayors, municipal officials and neighbourhood associations. The views which focused on the root causes of prostitution and the need for viable alternatives were expressed primarily by women's groups, civil liberties associations, social workers, some churches and gay organisations.

One of the problems which the Fraser Committee faced was an almost total absence of historical and empirical research about prostitution in Canada. It is always difficult to study an underground phenomenon such as prostitution, however, the Department of Justice recognised the need for benchmark data regarding prostitution in Canada and initiated a series of studies in January, 1984 to enhance the level of knowledge regarding prostitution as it

existed at that time. The program of research undertaken by the Department of Justice was designed to assist the Fraser Committee to complete its deliberations.

There were three major components to the Department's program of research on prostitution: regional studies concerning prostitution in Canada; a national survey of public attitudes; and a review of prostitution and attempts to control the incidence thereof in selected countries throughout the world. The four regional studies (Atlantic, Quebec, Ontario and the Prairies) and one city-based (Vancouver) study[1] were conducted and the final reports provided a wide range of information concerning the practice of prostitution in Canada.

The underlying objectives of these five studies was to document, to the extent possible, the incidence of prostitution, who was involved in prostitution, the business practices of prostitutes, the types and availability of social programs for prostitutes, the strategies and practices for the control of prostitution, and the need for changes to the criminal legislation concerning prostitution. These studies, and a report prepared by the Canadian

---

1 These studies were published by the Department of Justice as part of the series "Working Papers on Pornography and Prostitution". For further detail see: Nikita Crook, A Report on Prostitution in the Atlantic Provinces, Report #12, Ottawa: Department of Justice, 1984; John Fleischman, A Report on Prostitution in Ontario, Report #10, Ottawa: Department of Justice, 1984; Robert Gemme, A. Murphy, B. Borque, M.A. Nemeh and N. Payment, A Report on Prostitution in Quebec, Report #11, Ottawa: Department of Justice, 1984; Melanie Lautt, A Report on Prostitution in the Prairies, Report #9, Ottawa: Department of Justice, 1984; and John Lowman, Vancouver Field Study of Prostitution (volumes 1 and 2), Report #8, Ottawa: Department of Justice, 1984. These five studies are an important source of baseline data which provide a sound foundation for measuring changes over time.

Advisory Council on the Status of Women[1] provide the most extensive sources of information available on prostitution prior to Bill C-49.

The Fraser Committee reported its findings and recommendations to the then Minister of Justice, the Honourable John Crosbie, in February, 1985. Just as there had been controversies and a lack of consensus regarding appropriate ways of dealing with prostitution when the Committee was formed, the final report was received with mixed reactions and a great deal of controversy.

1.2 The Provisions of Bill C-49

In December, 1985, Section 195.1 of the Criminal Code was repealed and replaced through the passage of Bill C-49. The action represented a response to the recommendations of the Fraser Committee.[2] In essence, Bill C-49 represented an attempt to remove prostitution related activities from public places, thus addressing the public nuisance aspects of prostitution by specifying the kinds of "public" conduct that are legally unacceptable.

Bill C-49 included the following provisions:

1) Every person who in a public place or in any place open to public view
   (a) stops or attempts to stop any motor vehicle,
   (b) impedes the free flow of pedestrian or vehicular traffic or ingress to or egress from premises adjacent to that place, or

---

1 Prostitution in Canada, 1984

2 Specifically, recommendation 58 of the Committee's final report advocated the repeal of Section 195.1 and the amendment of Section 171 of the Criminal Code. See: Pornography and Prostitution in Canada, Volume 2 (1985): 538.

(c) stops or attempts to stop any person or in any manner communicates or attempts to communicate with any person

for the purpose of engaging in prostitution or of obtaining the services of a prostitute is guilty of an offence, punishable on summary conviction.

2) In this section, "public place" includes any place to which the public have access as of right or by invitation, express or implied, and any motor vehicle located in a public place or in any place open to public view. (Section 195.1, Criminal Code of Canada.)

Bill C-49 significantly alters Section 195.1 of the Criminal Code, however, it does not represent an attempt to implement the various components of the specific Fraser Committee recommendations regarding the law. In effect, the new Bill represents an attempt to clarify the ambiguous nature of its predecessor (s.195.1). Specifically, the Bill expands the definition of a public place to include motor vehicles, attempts to define "solicitation" by delineating three types of activities for which soliciting charges may be laid, and makes the customer, as well as the prostitute, culpable. The intent of the Bill is twofold: (i) to reduce the visibility of prostitution; and (ii) to increase the number and even-handedness (with respect to customers) of charges laid under Section 195.1 of the Criminal Code.

1.3 Purpose of the Study

Bill C-49 explicitly specifies that a review of the provisions of Section 195.1 of the Criminal Code must be completed within three years of the enactment of the legislation. The purpose of the review is to assess the impacts and effects of Bill C-49 on the practice and control of prostitution in Canada. In order to accomplish this task, the Department of Justice has decided on an evaluation. Two research components were identified: (i)

an analysis of the practices of prostitution; and (ii) and analysis of the control practices associated with prostitution.

This study of the incidence and control of prostitution in Halifax represents one of five studies undertaken simultaneously across Canada in different sites. Each of the studies collected the same types of data relating to the control and practice of prostitution since the implementation of Bill C-49. Each of the five study sites corresponds to the locations where baseline data were collected by the Department of Justice in 1984.

The 1984 site studies collected data concerning the control and practice of prostitution. Similarly, the current studies try to collect comparable data. In order to determine whether or not changes documented over time can be attributed to the implementation of Bill C-49, perceptions regarding other factors which may offer competing explanations for any changes over time were elicited from key informants in each of the study sites.

The quantitative and qualitative data collection instruments used for all five studies were standardised at the outset of the evaluation so that cross-case comparisons could be made. A comparison of findings across the five study sties could help rule out seemingly relevant, but unrelated local events as causal factors. Similarly, recurring patterns across all five study sites would provide strong evidence regarding the relationship between Bill C-49 and observed outcomes.

In addition, cross-case comparisons can be drawn to determine the nature of any differences in the strategies used to implement the legislation across the country. Finally, cross-case comparisons can be used to see if the business of prostitution has undergone different types of changes by location as well as to determine whether or not

there are differences by site in the profiles of people involved in the prostitution trade.

1.4 Organisation of the Report

The following chapter of this report describes the methodology employed for the conduct of the study. Specifically, Chapter Two provides an in-depth discussion of how we approach each of the two study components, the data sources utilised and the analysis plan used for the project.

Chapters Three through Seven present the study findings. Chapter Three examines the control practices associated with Bill C-49. In particular, Chapter Three describes how the Bill was implemented in Halifax and examines the processing of cases involving street prostitution.

Chapter Four concentrates on the practice of prostitution. Specifically, this chapter describes the current prostitution scene in Halifax, focusing on the changes in the practice and incidence of street prostitution that have occurred since Bill C-49 was implemented. This is accomplished by drawing comparisons between the data collected in 1987 with the findings from the 1984 study completed by Nikita Crook.

Chapter Five describes the reactions of the community to the legislation and its implementation. In particular, this chapter focuses on three aspects of community attitudes: (i) the attitudes reflected in newspaper reports; (ii) the changes in programs, services and the nature of client groups served by community and social services agencies; and (iii) attitudes expressed by residents from affected neighbourhoods.

Chapter Six ties together the evidence presented in the previous three chapters in order to provide an overview of the intended and unintended impacts and effects

of Bill C-49 in Halifax. In particular, this chapter explores the legislation's impacts on the incidence of street prostitution, the ease of application of the law and the modification of police practices by triangulating the findings from the quantitative and qualitative data collected over the course of the summer of 1987.

Chapter Seven presents findings relating to the incidence of street prostitution in St. John's, Newfoundland. This chapter provides an interesting point of comparison with the situation in Halifax.

The final chapter presents a summary of the major findings from this study and our conclusions regarding the impacts and effects of the legislation as well as suggestions regarding future directions.

2.0 METHODOLOGY

This chapter describes the methodology employed for this project. We begin with a brief discussion of what evaluation research entails, outlining the strengths and limitations of this style of research. The discussion then moves on to the specific approach used for the conduct of this evaluation.

2.1 Methodological Issues

> Currently, evaluation research is a robust area of activity devoted to collecting, analysing and interpreting information on the need, implementation, and impact of intervention efforts to better the lot of humankind and improve social conditions and community life. (Rossi, Freeman and Wright, 1979, p.15).

There are four basic classes or types of evaluations: strategic compliance; management review; intervention effect; and program impact. The current study represents a hybrid evaluation which examines intervention effects and program impacts. In essence, this study attempts to measure the extent to which Bill C-49 (i.e., a specific intervention) caused changes in desired directions (i.e., a decrease in the incidence of street prostitution). This implies that there are pre-specified goals and criteria for measuring the success of the legislative intervention.

Documenting the causal linkages between the implementation of Bill C-49 and desired outcomes requires that all other competing explanations for observed changes be ruled out (to the extent possible). In addition, it is also important to document both the magnitude of observed

effects and the occurrence of unintended or undesired impacts.

A critical issue central to program evaluations concerns whether or not an intervention has produced more of an effect than would have occurred, either without the intervention, or with alternative interventions. The basic aim is to provide estimates of the net effects directly attributable to the intervention while free and clear of the influence of other elements present in the situation under evaluation.

In order to assess the impacts of the specific provisions of Bill C-49, ideally, one would want to clearly attribute direct causality between the amendments and any observed outcomes. Our ability to accomplish this was restricted, however, by our inability to use a classical experimental design which could control for intervening variables that may account for any observed changes. Such factors could include, for example, a reallocation of police departmental resources, changing public attitudes, increased incidence of street violence, etc.. Any of these factors could have accounted for a decrease in the visibility of street prostitution, at least to some degree. Such factors, if concurrent with the implementation of the law, seriously impede the attribution of causality between Bill C-49 and changes in the incidence of street prostitution. Thus, in-depth interviews with members of the police, Crown and defense, and the judiciary were designed to try to account for the influence of intervening variables. Additional interviews were conducted with relevant agencies outside the formal Criminal Justice System (e.g., Elizabeth Fry Society, Coverdale Foundation, Children's Aid Society, etc.) in order to validate or corroborate the perceptions expressed by

respondents from the police, Crown and defense, and judiciary.

In an evaluation such as the current study where a control group is not available, control observations can also be obtained by collecting longitudinal, time series data concerning the experimental group (i.e., street prostitutes) before, during and after the intervention. This type of design is referred to as a non-randomised experiment with reflexive controls.

In this particular study, the legislation has a specific starting point, thus the behaviour of street prostitutes prior to the legislative intervention can be used as a source of controlled observations for determining the net effects of the legislative intervention. Potentially, reflexive controls such as those adopted for this project offer a powerful design tool.

Up to this point, the discussion has revolved around design issues. Before describing the specific approach adopted for this evaluation, a brief discussion of measurement issues is necessary.

The issue of accuracy in measurements has traditionally been viewed as two separate issues, issues of reliability and validity. Reliability refers to the extent that the use of a specific measure in a given situation produces the same results repeatedly.[1] Another way of viewing reliability is as a way of determining whether or not the same results would be obtained at two different times by two different researchers using the same measures.

The data collection instruments used for this study were standardised during meetings between the

---

[1] This assumes of course that the situation in question does not change in between measurements.

contractors for each of the five study sites at the outset of the evaluation. A comparison of findings across the five study sites could help rule out seemingly relevant, but unrelated local events as causal factors. Recurring patterns in all five cities will provide more conclusive evidence as to the relationship between Bill C-49 and observed outcomes. The standardised approach to data collection greatly improves our confidence in the reliability of study findings.

The issue of validity is much more difficult than reliability. Validity refers to the extent to which a specific item measures what it purports or intends to measure. While the notion underlying validity is easy to understand, determinations of the validity of a specific measure are very difficult due to an almost total absence of agreed upon standards for determining validity. A general rule of thumb for determining validity requires that: (i) the measure be consistent with past usage of the concept; (ii) the measure must be consistent with alternative measures used successfully in the past; and (iii) the measure must be internally consistent with other measures used to determine parallel structures.

While our approach to this study will not allow us to offer unambiguous proof of causality, the combination of objective and subjective evidence provides more valid information than could be obtained from any single method used in isolation. The combination of methods also allows us to be more confident that our conclusions regarding the impacts of Bill C-49 are credible.

2.2 Our Approach to the Evaluation

As per the original Terms of References, this evaluation has been conceptually segregated into two

separate, but interrelated, research components: an analysis of the impacts of Bill C-49 on the Criminal Justice System; and an analysis of the impacts of the law on the practice of prostitution. The remainder of this chapter describes our approach to these two components.

2.2.1 Impacts on the Criminal Justice System

There are three primary tasks underlying this component of the evaluation:

(i) to describe how the law has been implemented;

(ii) to determine to what extent practices and outcomes have changed since the introduction of Bill C-49 and to identify the factors which explain these changes; and

(iii) to assess whether further efforts are required to better achieve the intentions of the authors of Bill C-49.

Bill C-49 effected substantive and, indirectly, procedural aspects of Canada's prostitution laws. The amendment completed the shift in focus from the 19th century concern over issues of morality to the more current emphasis on ridding the public of the "distinctive nuisance flavour" to street prostitution (Special Committee on Pornography and Prostitution, 1985, Volume II: 541).

The Bill identifies three specific activities that constitute soliciting for the purposes of prostitution.[1] Specifically, it is an offence to stop a motor vehicle, impede the flow of pedestrian or vehicular traffic or

---

[1] Bear in mind that prostitution per se is not an illegal activity, however, soliciting/communicating for the purposes of prostitution constitutes an offence under the provisions of the Criminal Code.

attempt to stop or communicate with a person for the purposes of engaging in prostitution. The intent of these amendments was to make it easier to press charges in incidents involving solicitation for the purposes of prostitution, increase conviction rates, and to reduce or eliminate street prostitution. An important change reflected in the amendments was that the offences apply equally to prostitutes and customers. This change recognises the reciprocal nature of the exchange between suppliers and consumers of sexual services for specified monetary equivalents and the mutual responsibility which both parties have for the incidence of prostitution.

In order to evaluate the impacts of the law on the Criminal Justice System, we collected objective data from police occurrence reports for the entire population of arrests under Section 195.1 made in Halifax since December, 1985 (i.e., since the new law was implemented). These cases were then followed through the Criminal Justice System by examining Crown/Court files relating to the trial and including final outcomes. A comparison of these findings with results from the pilot project conducted by Nikita Crook in 1984 provided a sense of the law and changes in final outcomes (e.g., conviction rates).

Trained fieldworkers reviewed the relevant police and Crown/Court files and collected socio-demographic data relating to offenders as well as elements concerning the processing and outcomes of each case. The data was then keypunched for data entry, and analysed using the Statistical Package for the Social Sciences (SPSS) software.

The review of Criminal Justice System files was intended to provide insights as to changes in the aspects of legally controlling prostitution which can be easily quantified and thus measured (e.g., numbers of arrests,

rates of conviction, etc.). It was not expected, however, to provide comprehensive detail as to changes in the process of implementing the law (e.g., policies, directives, etc.). It was felt that the best way in which to examine process factors underlying the implementation of the law was to conduct in-depth interviews with individuals directly involved in the Criminal Justice System (e.g., police, Crown and defense attorneys, and judges). These interviews were designed to delve into respondents' assessments of specific changes brought about by Bill C-49, the effectiveness of the wording of the law, and the processes by which the law has been interpreted and implemented by the police, lawyers and judges. These interviews broadened our understanding of the specific intricacies underlying the implementation of the law in Halifax and provided a sound basis for a determination of the intended and unintended impacts and effects of the law on the Criminal Justice System.

The interviews were also designed to address the issue of factors other than the specific provisions of Bill C-49 perceived by respondents to have "caused" observed outcomes or changes. We felt this to be a necessary aspect of the research due to our inability to adopt a classical experimental design for the project.

2.2.2 Impacts on the Practice of Prostitution

The evaluation of the impacts of Bill C-49 on the practice of prostitution is intended to provide the following:

(i) an assessment of the extent to which C-49 has contributed to a decrease in the street solicitation trade; and

(ii) a description of the changes that have occurred since C-49 in the kinds of prostitution practiced

and the locations in which it is practiced (i.e., displacement effect);

(iii) an analysis of the social and economic changes that have evolved for those who are involved in the practice of prostitution.

The ultimate goals of this component of the research are to provide a description of the practice of prostitution as it exists subsequent to the passage of Bill C-49 (in December, 1985) and to note the changes that have occurred since passage of the Bill. These goals required a thorough understanding of prostitution as it was practiced in Halifax prior to 1986, and the collection of new data on prostitution since the law was passed.

The research groundwork laid by Nikita Crook in 1984 made it possible to approach the task of describing street prostitution in a focused fashion. Since we had fairly concrete indicators of the reality of street prostitution in 1984, we were able to identify a variety of differences between pre and post-amendment practices.

Our initial step for this research component was to establish contact with street prostitutes. With the aid of local advisors, we identified the patterns and places for street prostitution in Halifax.

Interviews were conducted with respondents from the Criminal Justice System and various human service agencies, providing insights as to changes that had occurred in the street scene since 1984. Of course, one of the most salient sources of data concerning the practice of street prostitution was the in-depth interviews with prostitutes.

A fieldworker spent approximately two months along the strolls in order to obtain 25 interviews. Every attempt was made to talk with prostitutes who had been working for

at least two years as they were familiar with changes since the law was implemented. These respondents provided a rich source of data especially in terms of the impacts of the law on the practices of street prostitutes as well as the displacement of prostitution activities.

We also conducted field observation of the four major strolls (i.e., the locations where street prostitutes ply their trade) in Halifax over two, one week periods in June and August. This provided researchers with a "feel" for the milieu of the street.

As with the investigation of changes in the Criminal Justice System, we were concerned about the impacts of intervening variables other than Bill C-49 which may have accounted for observed changes. The use of multiple lines of evidence, and the comparison of findings across the five study sites should lend strength to our inferences. While we have been unable to control for intervening variables, we have been able to assess perceptions of their impacts via interviews with informants.

2.3 Data Sources

Data collection for this evaluation included three subcomponents: (i) the review of archival records (i.e., police and Crown files) and media content analysis; (ii) interviews with respondents from the Criminal Justice System, social agencies and advocacy groups, and persons engaged in prostitution; and (iii) field observation of prostitution activities.

2.3.1 Archival Records

The archival records examined for this project included police arrest reports, Crown files and local

newspaper articles concerning Bill C-49 and issues surrounding prostitution.

We hired local fieldworkers to collect the data from the police and Crown files. The performance of the field workers was monitored by an on-site field supervisor. Initial training of the fieldworkers was conducted by the principal investigator for the project who had designed and pretested the data collection instruments. The local field supervisor provided ongoing supervision and monitoring.

Completed data collection forms were reviewed to correct any errors and problems (i.e., ambiguities or inconsistencies in the coding scheme). The completed police and Crown data collection forms were keypunched and entered into Ekos Research Associates in-house computers for subsequent analyses. Field workers and the local supervisor were debriefed in order to aid in the interpretation of unusual findings, as well as to help assess data quality.

The analyses of file review data were conducted separately for each source. Police and Crown files' data were linked[1] during the analysis phase, via the police occurrence report numbers and the dates of birth of offenders.

Newspaper articles were collected for the period from 1984 through 1987. Both manifest and latent content of the articles were coded by the principal investigator for the project. The purpose of the newspaper content analyses was to provide a sense of the context within which the law was implemented in Halifax.

---

[1] As per a request from the Halifax police department. The names of offenders were not collected. This made the linking process slightly more time consuming.

The final task associated with the archival research component entailed counting the numbers of escort services and massage parlours listed in local telephone directories and newspapers. This task was completed in order to determine whether or not there had been increases in the numbers of off street prostitution enterprises since the new law was introduced. The personal and classified advertisements included in local newspapers were examined for a six week period (i.e., one week during each of January and July 1985, 1986 and 1987). This method allowed us to discern trends over time.

2.3.2 Interviews

Interviews were conducted with respondents involved in the Criminal Justice System (i.e., police, Crown and defense attorneys, and judges), social agencies and advocacy groups, residents, and people engaged in prostitution. Respondents from the Criminal Justice System were selected on the basis of their familiarity with and responsibility for the implementation of the new legislation. Six members of the police were interviewed including four officers who were currently (or had at one time been) working in the Morality Squad (i.e., the section responsible for the implementation/enforcement of Bill C-49) as well as two senior officers responsible for overall policy direction and development. Five Crown prosecutors who had been actively involved in processing C-49 cases were also interviewed to assess changes in processes and outcomes. A total of seven defense lawyers who had been involved in cases involving either prostitutes or customers were interviewed to determine their courtroom strategies. Finally, two members of the judiciary who had heard a large proportion of the cases held in Halifax were interviewed to

determine the impacts of the substantive changes to the legislation on the trial process and final case outcomes.

Respondents from 13 social agencies and advocacy groups were also interviewed. Specific respondents were selected on the basis of their responsibilities for either service delivery or development. In total, 15 respondents were interviewed to determine the impacts of Bill C-49 on their service delivery and client groups. In addition, respondents' perceptions regarding the manner in which the new law was implemented, the impacts of the law on the prostitution scene, and their levels of satisfaction/dissatisfaction. Other members of the community were also interviewed to gain a sense of their perceptions of the effectiveness of the law. For example, a representative from the Downtown Halifax Resident's Association was interviewed to assess the group's overall satisfaction with the legislation. Finally, interviews were conducted with 25 persons engaged in prostitution activities to determine the impacts of the new law on their business practices.

In order to ensure a high level of reliability with the interview data, rigorous training was provided to the three experienced interviewers hired for these tasks. The training was conducted by the principal investigator and included a comprehensive discussion of the key study issues and overall goals of the study, procedures for selecting and contacting respondents, the manner in which interviews were to be conducted and detailed explanations regarding the purposes of each individual interview question including the types of probes and appropriate techniques which could be utilised to obtain the best, as opposed to first responses.

Each of the interviewer training sessions lasted approximately one full day. During the training session,

interviewers were given opportunities to suggest modifications to the interview schedules to avoid any potential problems. These suggestions were based on their experiences conducting similar tasks in the past.

The most difficult respondents to make contact with were persons engaged in prostitution. The interviewer spent approximately one month "hanging out" on the streets before initiating any contacts. This allowed the potential respondents to become accustomed to the interviewer and thus reduce any levels of anxiety that might have been encountered if approaches were attempted at the very outset of the field work. She then handed out flyers explaining that an evaluation of the impacts of Bill C-49 was being conducted and that she would like to talk with people about the law and their experiences. Approximately one week later she began making contacts with potential respondents and had a great deal of success obtaining cooperation.

Almost all of these interviews were conducted at a cafe located along the major heterosexual stroll. It was felt that this location would be the least threatening environment as well as being free from the distractions of the street.

Contacts with persons employed by escort agencies proved much more difficult. Initially, we attempted to obtain interviews with escorts through indirect contacts via a street worker who was acquainted with a variety of people engaged in prostitution activities. We were able to complete only one interview through this source. We then attempted to make further contacts using a "snowball" approach. That is, we asked the respondent from the escort service if she could spread the word that we would like to talk with other escorts regarding the off street scene. However, this approach did not yield any results.

After all the interviews were completed, field workers went through an intensive debriefing session with the principle investigator to discuss problems, difficulties, and any unusual findings.

2.3.3 Field Observations

Field observations of the street prostitution scene in Halifax were conducted during two distinct time periods. The Time One observations were completed between June 25th and July 1st, 1987, while the Time Two observations were conducted between August 20th and August 26th, 1987. The approach for the field observations was derived from the methodology employed by J. Lowman.[1] The approach was designed to collect systematic data concerning the working locations, times worked (i.e., time of day and week), composition of street prostitutes (e.g., by gender, age, etc.), frequency of contacts, demeanour, and the incidence of street disturbances. This component was approached as a means of corroborating the findings from the archival records and the results of the interviews. Finally, the observation data provides a basis for drawing comparisons between the findings of Nikita Crook's 1984 report concerning prostitution in the Maritimes and the current situation.

Classification schemes and appropriate reporting formats were developed by the fieldworker, the local field supervisor and the principal investigator for the project.

---

[1] The Terms of Reference for this project suggested that the methodology for the field observation component be based on that developed by John Lowman in the Vancouver Field Study of Prostitution, 1984.

Detailed notes were kept for each night of field observation and then coded for data entry.

Given that a primary focus of Bill C-49 is to deal with the public nuisance factors associated with street prostitution by controlling the street trade, this component of the research provides an important foundation for evaluating the effectiveness of the legislation in this regard. In order to assess the impact of the control practices associated with Bill C-49 on the incidence and general patterns of street prostitution, systematic counts of street prostitutes were taken along the four traditional strolls.[1]

2.4 Analysis

The analysis of study findings for this project is characterised by a triangulation approach to the synthesis and reporting of emergent trends. Rather than relying on a single line of evidence, the quantitative and qualitative data have been drawn together and used as sources of corroboration. This approach allows a greater level of confidence in study findings as we are able to validate patterns across various lines of evidence.

For example, if our determination of the incidence of street prostitution in Halifax relied solely on the field observations, our findings would be subject to a number of biases from such factors as variable weather conditions. Our approach, however, was to seek corroboration/validation of the street observations through interviews with key informants from the police, social agencies, residents from affected neighbourhoods and prostitutes.

---

[1] For a detailed description of these four strolls, see Section 4.1 of this report.

Similarly, the conclusions presented in the final chapter of this report are based upon a synthesis of the findings from the qualitative and quantitative components of the study. While the triangulation approach does not allow unambiguous proof of causality, the combination of methods and of qualitative and quantitative data allow us to be more confident that our conclusions are credible.

3.0 THE CONTROL PRACTICES ASSOCIATED WITH BILL C-49

In this chapter we explore how Bill C-49 was implemented by the Criminal Justice System in Halifax and whether or not there were any changes in the police and Crown practices associated with the control of street prostitution. The primary data sources for this chapter include: police arrest reports and Crown/Court files regarding trial outcomes; interviews with members of the police, Crown and defense, and judiciary; and interviews with persons engaged in prostitution.

In addition, we examined available documented evidence regarding the evolution of criminal justice practices for controlling street prostitution in Halifax, as well as the transcripts of the landmark Nova Scotia Court of Appeal decision in which the Skinner case nullified s.195.1(1)(c) in Nova Scotia.[1]

This chapter is organised into two major sections. The first section concentrates on the implementation of Bill C-49 by the Criminal Justice System in Halifax, while the second section examines the processing of cases involving street prostitution.

---

1 On May 22, 1987, the Nova Scotia Court of Appeal ruled in Skinner v. the Queen (S.C.C. 01533, May, 1987) that s.195.1 (1)(c) was inconsistent with the Canadian Charter of Rights and Freedoms. For further detail regarding this ruling, refer to Section 3.2.5 of this report.

3.1 Implementation of Bill C-49 by the Criminal Justice System

3.1.1 Background

Crook (1984) notes that between February, 1976 and January, 1984 a total of 49 charges were laid for prostitution related offences under sections 193 and 195 of the Criminal Code. None of the charges after 1980 were laid under the soliciting provisions of the Criminal Code (s.195.1). This was attributed by members of the police and Crown as resulting from the difficulties associated with proving that the prostitutes' behaviour was pressing and persistent.[1]

All of the prostitution related charges laid between 1980 and 1984 were for living off the avails of prostitution (s.195(1)(j)), procuring/pimping (s.195(a)(a)), keeping a common bawdy house (s.193(2)(c)), or being an inmate of a common bawdy house (s.193(2)(b)). Other provisions of the Criminal Code were also used, but on an incident specific basis.

For examples, charges could be laid for disorderly conduct or disturbing the peace if a prostitute was creating public disturbances. Similarly, charges for trespassing could be laid if a prostitute entered private property. None of these provisions, however, were seen by members of the police, or residents from affected neighbourhoods, as being particularly effective for controlling the incidence and visibility of street prostitution.

---

[1] In the Hutt decision (1978), the Supreme Court of Canada ruled that a prostitutes' behaviour must be pressing and persistent to constitute an offence under s.195.1.

As a result of the perceived ineffectiveness of the Criminal Code provisions for controlling street prostitution, municipal officials across Canada sought alternative methods for the control of street prostitution. In Halifax, two strategies to circumvent the perceived weaknesses of the Criminal Code provisions relating to soliciting were attempted prior to the passage of Bill C-49.

The first method was the Halifax Street Ordinance Number 3. This city bylaw, enacted in December, 1982, was modelled after a Calgary bylaw which was struck down in early 1983.[1] The Halifax bylaw sought to prohibit street prostitution via the following provisions:

61. (1) In this section...
- (a) "offering" includes but is not limited to the holding out, proposing, making available or expressing willingness to participate in a sexual service with a person for payment
- (b) "prostitution" means the sale or offering for sale of sexual services and includes the purchase or offering to purchase sexual services
- (c) "sexual services" include but are not limited to activities of a sexual nature for amusement, gratification, pleasure, stimulation, titillation or otherwise of any person.

(2) No person shall be or remain on a street for the purpose of prostitution.

(3) No person shall approach another person on a street for the purpose of prostitution.

(Halifax Street Ordinance #3, amended 1982)

---

[1] The Calgary bylaw was struck down by the Supreme Court of Canada in the Westendorp decision (1983) 2.C.C.C.(3d) 330). Basically, the bylaw was struck down because it infringed upon the federal government's exclusive domain over legislating criminal laws.

The bylaw was enacted by City Council after a great deal of pressure was directed at the Council by residents of the Hollis/Barrington Street area. The bylaw was seen primarily as a temporary measure to control the nuisance factors associated with street prostitution until such time as the federal government took steps to introduce new measures to the Criminal Code.

Between December, 1982 and January, 1983, 23 charges were laid under the Street Ordinance. Eighteen charges were laid against 16 prostitutes, while five charges were laid against customers. None of the charges laid by police reached court because of the Westendorp decision (Crook, 1984).

The second initiative taken in Halifax was an attempted court injunction to restrain 48 known (female) prostitutes "and other persons unknown" from carrying out prostitution related activities within the downtown and south end areas of Halifax. The injunction was lodged by the Department of the Attorney General of Nova Scotia in the Supreme Court of Nova Scotia (Trial Division) October 25, 1984. Press coverage surrounding the court injunction indicates that the action was again instigated by residents of the Hollis/Barrington Street area who had formed the Downtown Halifax Resident's Association.

The injunction included the following proscriptions against:

(1) engaging in any public conduct apparently for the purpose of prostitution, or any public conduct which by itself, or in conjunction with another person, causes or contributes to nuisance;

(2) publicly offering or appearing to offer themselves directly or indirectly for prostitution by words, actions, gestures, loitering or otherwise;

(3) using or trespassing upon any public property for the purpose of prostitution or related activity;

(4) using or trespassing upon any private property for the purpose of prostitution or related activity;

(5) engaging in any other conduct, including:

(i) loitering, littering, fighting, screaming, shouting or swearing;
(ii) using insulting, abusive, suggestive or obscene language or gestures;
(iii) assaulting, harassing, impeding, obstructing, threatening with violence or otherwise intimidating any person;
(iv) impeding or obstructing traffic;
(v) defecating, urinating in an offensive manner;
(vi) carnal copulation, including fellatio, for the purpose of prostitution.

(Supreme Court of Nova Scotia, Trial Division, S.H. No. 49769, October, 1984.)

The court injunction would have set a territorial order barring the 48 co-defendants "and persons unknown" from engaging in any prostitution related activities in or around the two heterosexual stroll areas. The injunction was refused by the Supreme Court of Nova Scotia on the grounds that it (a) infringed upon the federal government's role in defining and enacting criminal law, and (b) represented an illegitimate means for controlling street prostitution.

An interesting aside relating to the injunction is the manner in which notice of the injunction was served to the co-defendants. Copies of the injunction along with a list naming the defendants were attached to telephone poles throughout the territorial limits included in the proposed order.

3.1.2 Police Practices with Bill C-49

In this section we discuss the changes in methods, practices, manpower and costs associated with policing prostitution which resulted from the introduction of Bill C-49. The 1984 pilot study conducted by Nikita Crook does not directly address all of these issue regarding police practices, making it difficult to provide a comparative analysis documenting changes over time.[1] Therefore, the evidence for this section is limited primarily to the perceptions of members of the Halifax police department regarding changes in practices resulting from the implementation of Bill C-49.

Structure of the Police Department

Responsibility for the enforcement/application of Bill C-49 in Halifax is centered in the Morality Squad. In the overall organisation of the Halifax police department, the Morality Squad is a subsection of the Criminal Investigations Division. Currently, the Morality Squad has two male constables and no female officers.[2]

Male and female decoys used to apply the law were drawn from other divisions of the force. Male decoys were also drawn from the ranks of cadets enrolled in the police academy.

One of the officers currently working in the Morality Squad was transferred after Bill C-49 had already

---

1 Crook's study does, for example, present evidence regarding charging practices and we have included these findings for the purposes of comparison.

2 The Morality Squad is the same size as it was prior to the introduction of Bill C-49.

been nullified by the Nova Scotia Court of Appeal. In order to gain a sense of longer term trends, we interviewed four additional constables in other sections/divisions of the Halifax police department who had at one time or another been part of the Morality Squad.

Implementation Strategies

All of the key informants from within the Halifax police department indicated that the development of policies relating to the implementation/enforcement of Bill C-49 was left strictly to the Morality Squad. We did have difficulties ascertaining the exact nature of these policies as the key informants were extremely vague regarding this topic. One respondent from the Criminal Investigation Division related that "prior to C-49 the police would follow the customer and try to get him to give evidence against the prostitute". In addition, Nikita Crook noted in her 1984 study that:

> ...the majority of charges laid in Halifax were against prostitutes...[and]...all charges, both criminal and municipal, have been laid solely against female prostitutes (N. Crook, 1984, p.95).[1]

With the introduction of Bill C-49, the Morality Squad developed a plan of action for the implementation/ enforcement of the new law. The strategies for enforcement concentrated on undercover operations using male decoys posing as customers and two female decoys posing as

---

[1] As we shall see in Section 3.2.1, the Halifax police concentrated their efforts between January, 1986 and May, 1987 primarily on female prostitutes in their enforcement of Bill C-49.

prostitutes. One respondent from the police department (Criminal Investigations Division), described the Morality Squad's tactics as "basically the same as those used prior to the new law, but much more aggressively because now they had a law with which they could work effectively".

In our discussions with members of the Morality Squad we found that the primary paragraph of the new law used was 195.1(1)(c) which prohibits:

> ...every person who in a public place or in any place open to public view stops or attempts to stop any person or in any manner attempts to communicate with any person for the purpose of engaging in prostitution or of obtaining the services of a prostitute... (Criminal Code provisions of Bill C-49).[1]

The paragraph defining automobiles as public places (195.1(2)) was also considered quite effective by the Morality Squad. One officer indicated that between one half and three quarters of the cases utilised this paragraph of the law at least to some extent.

Quotas

We asked all six respondents from the police department whether or not there were any departmental goals or quotas (i.e., expected numbers or ratios) which guided the enforcement procedures. All six respondents related that the law had been implemented in the same manner for customers and prostitutes and that there were no differences

---

[1] Subsections (a) and (b) of s.195.1(1) were not used by the Halifax police department. Even though subsection (c) was struck down by the Nova Scotia Court of Appeal in the Skinner decision, these first two subsections have never been used in Halifax.

in their charging of cases involving heterosexual and homosexual prostitutes or customers.[1]

Evidentiary Requirements

Evidentiary requirements were worked out during early consultations between the police and the Crown. The evidence sought by the police consisted of the prostitute (or customer) naming dollar amounts for the performance of specific sexual services. Decoys were "wired" (i.e., they wore a body pack) and a second officer recorded the information in another location. Once enough information had been conveyed (i.e., prices for sexual services), the second officer would move in and make an arrest. The scenario was very similar for female decoys. The female decoy would try to get the customer to specify what he wanted to pay for said services.

It is interesting to note that the Halifax police department never utilised sweeps or blitzes as a strategy for controlling street prostitution. This may be related to the relatively low numbers of prostitutes working the streets as well as the lack of available police resources.[2]

Proactive Versus Reactive Enforcement Strategies

There was a lack of consensus among respondents from the police force as to whether their strategies regarding the control of prostitution could be

---

1 In Section 4.2.1 we present findings based on a comprehensive review of police and Crown files which contradict this assertion.

2 The Morality squad only consists of two officers and the control of street prostitution is only one of the duties associated with their mandate.

characterised as proactive or reactive. Three respondents characterised the activities as a mix of both proactive and reactive strategies. The strategies were proactive in the sense that a great deal of intelligence was gathered concerning the numbers, locations, working relationships, etc. of the street prostitutes and reactive in the sense that they tended to react to the volume of complaints from residents as well as increases/decreases in the visibility of street prostitutes. Two respondents believed that their activities were strictly reactive, while one respondent believed they were proactive.

Resources

None of the respondents from the police department reported that there had been any changes in the manpower allocations for the control of prostitution with the implementation of the law. The two male officers assigned to the Morality Squad were easily identified as police decoys soon after the law was implemented. This difficulty was obviated by utilising cadets attending the police academy as decoys (customers). In general, there were usually one or two decoys working on any given night during the peak enforcement period.

There were only two female constables available for duty as decoys (prostitutes) during the period in which the law was in effect in Halifax. The lack of additional female personnel clearly had an impact on the equal application of the law for customers and prostitutes. This was reflected in the relatively low percentage of cases involving customers (18 per cent of charges laid under S.195.1 in Halifax were against customers).

We made numerous attempts to elicit information concerning the average cost of arresting a prostitute or

customer under S.195.1, however, none of the respondents could provide an estimate. Thus, we are unable to comment on whether or not there have been changes in the costs associated with enforcement which resulted from the implementation of Bill C-49.

3.1.3 Crown Practices with Bill C-49

In this section we discuss changes in the policies, manpower and costs associated with prosecuting cases of prostitution since Bill C-49 was implemented. The 1984 pilot study did not address this issue of Crown practices, thus comparisons between the pre- and post C-49 time periods are not possible.

Prior to passage of Bill C-49 charges for soliciting had steadily declined in Halifax (Crook, 1984, p.95). It has also been noted that an average of six prostitution related charges were processed per year in Halifax between 1976 and 1984. Most of the cases heard between 1980 and 1983 involved pimping or procuring charges (Crook, 1984, p.5).

Volume of Cases

Respondents from the Crown prosecutor's office were asked whether or not there had been changes in the volume of prostitution related cases since Bill C-49 was implemented in December, 1985. In general, the prosecutors believed the overall volume of street solicitation cases had substantially increased. It is interesting to note, however, that in terms of the proportion of cases involving customers as the accused, only two respondents perceived a change since Bill C-49 was proclaimed. In general, members of the Crown believed that the increased caseload involved customers was negligible. One respondent believed there had

been a small increase in the proportion of prostitution related cases where the customer was the accused, while the other prosecutor believed there had been a large increase in these cases (both in absolute numbers and as a proportion of all cases). This same respondent also believed that there had been small increases in the proportion of prostitution related cases where the accused were male prostitutes, procurers or intermediaries. This prosecutor believed that these changes were a result of the greater leeway provided to police by Bill C-49.

Evidentiary Requirements

We asked respondents from the Crown under what circumstances they proceed with charges laid under S.195.1. All of the respondents related that cases are prosecuted when there is clear and sufficient evidence that prices for sexual services have been discussed. Clarity of evidence has been defined in practice as use of a body pack by police decoys to collect evidence of the accused discussing prices for sexual services. Use of the body pack appears to have been a necessary condition for processing street prostitution cases in Halifax. Sufficiency of evidence has consisted of: (i) communicating prices for sexual services; (ii) identification of the accused by a third party; and (iii) the date and place of the alleged offence.

Respondents were also asked the circumstances under which they decide to withdraw or otherwise terminate charges laid under S.195.1 prior to a court hearing. Three prosecutors related that charges are terminated when there is insufficient evidence such as a malfunction with the body pack or if the arresting officer is not available for the hearing. Two prosecutors noted that charges against young offenders with no previous records of arrests have been

terminated when alternative non-criminal strategies appeared to be more appropriate.

Types of Sentences

In terms of the types of sentences requested by Crown prosecutors there appear to be consistent patterns even if there are no clear cut formal policies. In general, the respondents related that they usually request fines for first offender adult prostitutes and customers. Two prosecutors noted that they usually request jail terms for recidivist adult prostitutes, while only one related that the same is true for recidivist customers.

All of the prosecutors related that they request probation and mapping restrictions for juvenile prostitutes. The rationale for requesting mapping restrictions was to remove the juveniles from the street scene and to provide police with an effective means of ensuring that the juveniles stayed off the street. One respondent indicated that in cases involving recidivist juvenile prostitutes, requests for fines and more stringent probation restrictions are the most likely strategies for dealing with the offender(s).

Resources

We asked all respondents from the Crown prosecutor's office to estimate how much departmental resources are tied up in the prosecution of cases under S.195.1. Only one respondent felt comfortable estimating the resources expended on prostitution related cases. This respondent estimated that approximately two per cent of the overall manpower resources in the Crown's office are expended on cases involving S.195.1. The actual costs of prosecuting a case (not counting manpower allocations) were

estimated as ranging from $100 to $200 for cases where the accused plead guilty to approximately $600 for cases which proceed to trial. No estimate was provided for cases which go to appeal. The respondent believed that the costs in overall resources (both physical and manpower) of prosecuting a case under S.195.1 had significantly decreased with the introduction of Bill C-49. The respondent believed that this change was due to two inter-related factors: (i) the speedier trial process possible under the provisions of C-49; and (ii) in the majority of cases the accused plead guilty.

3.1.4 Interplay Between the Crown and the Police

Respondents from both the police and the Crown described their working relationships with each other as very good. There has been a great deal of cooperation between the two departments regarding the implementation of Bill C-49.

When Bill C-49 was proclaimed in December, 1985 consultations were held between the two departments to discuss the evidentiary requirements of the law. At the outset the consultations focused on the interpretation of the law. Specifically, the evidentiary requirements necessary for a conviction, the proper use of the body pack, and the charges which could be laid under the different sections and paragraphs of the law were discussed.

Following the initial period in the application of the law there was little need for consultations between the two departments regarding the processing of cases under S.195.1(1)(c). The vast majority of these cases followed the same pattern. Consultations were only necessary in unusual cases or cases where the evidence was sketchy. All cases involving pimps processed under s.195.3, on the other

hand, involve a great deal of consultation regarding evidentiary matters, specifically corroboration requirements and the use of hearsay evidence.

Respondents from the police department noted that the consultation process proved quite useful in the development of their investigative techniques, especially in terms of the nature of communicating as it pertained to the law and the limitations or parameters within which the police operated in gathering evidence necessary for a conviction. In addition, the effects of case law on the investigation techniques used by the police were discussed periodically. The final consultations were held after the Nova Scotia Court of Appeal handed down its decision regarding the Skinner case in May, 1987. Since that time, the Crown has instructed the police not to pursue cases using s.195.1(1)(c).

3.2 Processing of Cases by the Criminal Justice System

3.2.1 Overview of Charges Laid Under C-49

In this section, we present a summary overview of the charging practices of the Halifax police department during the time period in which the law was in force. Between 1976 and 1984, 49 prostitution related charges were laid in Halifax. Between December, 1985 and June, 1987, 142 charges were laid under s.195.1 and ten charges against pimps/procurers laid under s.195.3. Exhibit 3.1 displays the aggregated numbers of charges laid by the police over the six quarters between December, 1985 and June, 1987.

Before proceeding further, we must emphasise that throughout this section the unit of analysis is the arrest report rather than the offender. The total number of arrests in Halifax was 142 although the total number of

offenders was only 107.[1] While there were minor upward and downward fluctuations in the numbers of charges laid during each of the six quarters, the overall trend was one of a general decline in charges until part of the law was nullified in late May, 1987.

EXHIBIT 3.1
Quarterly Arrest Statistics

	Communi-cating	Per Cent
Dec. 85 - March 86	33	23.2
April - June 86	23	16.2
July - Sept. 86	31	21.8
Oct. - Dec. 86	19	13.4
Jan. - March 87	24	16.9
April - June 87	12	8.5
Total	142	100.0

During the same period, the only other prostitution related charges in Halifax were laid under s.195.3 against ten pimps. It was interesting that six of the ten charges against pimps were laid between January and May, 1987 coinciding with the general decline in communicating charges laid in Halifax.

Variations by Role of Offender

Exhibit 3.2 presents the number of charges laid broken down by the role of the offender. Overall, 116 charges (82 per cent) were laid against prostitutes, 25 (18

---

[1] In total, 81 different prostitutes, 25 customers and one intermediary were arrested in Halifax between December, 1985 and June, 1987. All multiple charges were laid against prostitutes (primarily females).

per cent) against customers and one charge was laid against a cab driver acting as an intermediary.

Upon closer examination of Exhibit 3.2, two interesting trends regarding charging practices in Halifax become apparent. The first trend regards the laying of charges against customers. All charges against customers were laid between December, 1985 and September, 1986. Three quarters of the charges against customers were laid in the first quarter (i.e., December, 1985 to March, 1986). In fact, customers accounted for over one half of all prostitution related charges laid under s.195.1 during the first quarter. The fact that both the absolute numbers of charges and the proportion of total charges per quarter laid against customers in Halifax declined sharply over time leads one to suspect that there was a major shift in enforcement priorities after the initial implementation of Bill C-49.[1]

The second trend apparent in Exhibit 3.2 concerns the laying of charges against prostitutes. During the first quarter, charges against prostitutes accounted for 39 per cent of all prostitution related charges laid under s.195.1 in Halifax. During the second quarter, charges against prostitutes increased, accounting for three quarters (78 per cent) of all charges laid. In the third quarter, prostitutes accounted for all but one of the charges laid

---

1 None of the respondents from the police, Crown or community provided any ideas as to why there was this significant decline in the laying of charges against customers. Three possible explanations came to mind: (i) the number of customers on the strolls declined significantly; (ii) customers were able to recognise the female decoys; or (iii) the police increasingly concentrated their efforts solely on the laying of charges against prostitutes.

under s.195.1 in Halifax. For the remaining three reporting periods, prostitutes accounted for all charges laid. These findings show that after the first reporting quarter, enforcement of s.195.1 was almost entirely directed at prostitutes.

EXHIBIT 3.2
Quarterly Arrest Statistics by Role of Offender

	Prosti-tute	Custo-mer	Inter-mediary	Total
Dec. 85 - March 86	13	19	1	33
April - June 86	18	5	-	23
July - Sept. 86	30	1	-	31
Oct. - Dec. 86	19	-	-	19
Jan. - March 87	24	-	-	24
April - June 87	12	-	-	12
Totals	116	25	1	142

Variations by Stroll

Exhibit 3.3 displays quarterly arrest statistics along the four major strolls or areas where street prostitution is centered.[1] Three quarters (77 per cent) of the charges in Halifax were laid against persons on the Hollis/Barrington Streets stroll. This was not altogether surprising given that this area: (i) represents the major trade in terms of the number of prostitutes and customers; and (ii) this area was where the strongest (or most vocal) demands for action dealing with the problems associated with street prostitution were centered.

The most interesting finding (or more aptly "non-finding") apparent in Exhibit 3.3 concerns the Citadel Hill

---

[1] For detailed descriptions of these four strolls see Section 4.1 of this report.

stroll. None of the police arrest reports listed Citadel Hill as the location of the offence. While this finding is interesting in that it suggests that one entire sector of the street trade is left alone, it is not altogether surprising given that the Halifax police appear reticent when it comes to patrolling the homosexual street scene.

EXHIBIT 3.3
Quarterly Arrest Statistics by Stroll

	Barrington/ Hollis	Gottingen	Triangle	Citadel Hill	Total
Dec. 85 - March 86	27	5	1	-	33
April - June 86	16	3	4	-	23
July - Sept. 86	24	4	3	-	31
Oct. - Dec. 86	16	-	3	-	19
Jan. - March 87	20	2	2	-	24
April - June 87	7	3	2	-	12
Totals	110	17	15	-	142

Exhibit 3.4 displays the breakdown of charges laid along each of the strolls by the role of the offender. These findings reflect the unequal charging practices against prostitutes and customers. For example, 78 per cent of the charges along Hollis and Barrington Streets were laid against prostitutes, while approximately 21 per cent of these charges were laid against customers. Similarly, 88 per cent of the charges along Gottingen Street were laid against prostitutes. All of the charges along the Triangle were laid solely against prostitutes.

It is also interesting to note that the Halifax police clearly concentrated their energies on the control of street prostitutes in the Hollis/Barrington Streets area; three quarters (74 per cent) of the charges against prostitutes were

EXHIBIT 3.4
Charges Laid Along the Major Strolls by the Role of the Offender

	Prosti-tute	Custo-mers	Inter-mediary	Total
Barrington/Hollis	86	23	1	110
Gottingen	15	2	-	17
Triangle	15	-	-	15
Citadel Hill	-	-	-	-
Totals	116	25	1	142

laid against persons along the Hollis/ Barrington Street stroll. Equal numbers of prostitutes from the Gottingen and Triangle strolls were charged (15 charges along each stroll). This last finding is interesting as the number of male prostitutes observed working the Triangle this summer exceeded the number of female prostitutes working along Gottingen street by a margin of almost three to one (see Chapter Four). Given that there is a greater volume of activity along the Triangle than along Gottingen, one would expect to see this reflected in the charging practices.

Contrary to assertions from members of the Halifax police department, the Halifax police did not equally apply the law to both prostitutes and customers. For example, while a total of 12 homosexual prostitutes were charged, no homosexual customers were charged. All 25 of the customers charged in Halifax were arrested along the two heterosexual strolls. None of the male police decoys posed as homosexual prostitutes. The overwhelming majority (92 per cent) of customers were arrested along the Hollis/Barrington Streets stroll.

Location of Offence

Exhibit 3.5 presents the quarterly arrest statistics broken down by the location of the offence (e.g., street,

car/auto). One quarter of the arrests (27 per cent) directly utilised the paragraph of the law defining automobiles as public places.[1]

EXHIBIT 3.5
Quarterly Arrest Statistics by Location of Offence

	Auto/Car	Street	Total
Dec. 85 - March 86	6	27	33
April - June 86	8	15	23
July - Sept. 86	7	24	31
Oct. - Dec. 86	4	15	19
Jan. - March 87	10	14	24
April - June 87	3	9	12
Totals	38	104	142

EXHIBIT 3.6
Quarterly Arrest Statistics by Gender of the Offender

	Male	Female	Total
Dec. 85 - March 86	20	13	33
April - June 86	8	15	23
July - Sept. 86	4	27	31
Oct. - Dec. 86	3	16	19
Jan. - March 87	2	22	24
April - June 87	2	10	12
Totals	39	103	142

Gender of Offender

Exhibit 3.6 displays the quarterly arrest statistics broken down by the gender of the offender. The vast majority (73 per cent) of arrests were made against

---

[1] Auto/cars were defined as the location of the offence if the arrest report indicated either the offender entered the car prior to communicating, or the female police decoy entered the offender's vehicle before communication regarding the proposed transaction was completed.

female offenders. Exhibit 3.7 presents a crosstabulation of the gender of offender by their role.

EXHIBIT 3.7
Role of Offender Broken Down by Gender

	Male	Female	Total
Prostitute	13	103	116
Customer	25	-	25
Intermediary	1	-	1
Totals	39	103	142

Only 13 charges were laid against male prostitutes accounting for 11 per cent of all charges laid against prostitutes in Halifax. None of the charges against males involved customers of male prostitutes. This was probably due to the fact that the Halifax police did not use any decoys posing as male prostitutes. These findings directly contradict the assertions by members of the Halifax police that the law was applied equally to prostitutes and customers, heterosexual and homosexual. Even though the unequal charging practices contradict the assertions made by members of the police department, it is not altogether surprising given the uneasiness around homosexuals traditionally expressed by police. The uneasiness or discomfort felt by members of the police concerning homosexuals probably explains some of the imbalance in charges laid against female versus male prostitutes and certainly explains the total lack of charges against

customers of male prostitutes.[1]

Approximately two thirds (64 per cent) of the charges against males were laid against heterosexual customers. Approximately one third of the charges against males were laid against male prostitutes, while the remaining charge was laid against a cab driver acting as an intermediary for his male passenger.

EXHIBIT 3.8
Quarterly Arrest Statistics by Age of Offender

	16-17	18-24	25-34	35 and over	Unknown	Total
Dec. 85 - March 86	-	9	14	10	-	33
April - June 86	2	13	5	3	-	23
July - Sept. 86	3	21	6	1	-	31
Oct. - Dec. 86	3	8	5	1	2	19
Jan. - March 87	3	14	6	-	1	24
April - June 87	1	6	5	-	-	12
Total	12	71	41	15	3	142

Age of Offender

Exhibit 3.8 presents quarterly arrest statistics broken down by the age of the offender. One half of the charges were laid against offenders 18 to 24 years of age. Less than one third (29 per cent) of the charges were laid against offenders between 25 and 34, while approximately

---

[1] At least some of the imbalance in charges laid against female versus male prostitutes reflects the fact that female prostitutes outnumber male prostitutes by a margin of at least two to one and possibly as high as three to one. However, this fact alone cannot explain a charging imbalance of greater than six to one, female over male prostitutes.

eight per cent of the charges were laid against juveniles and 11 per cent against offenders 35 years of age or more.

Exhibit 3.9 breaks down the role of the offender by age. It is interesting to note that one juvenile offender was recorded in police files as a customer.[1] The vast majority (96 per cent) of charges against offenders 18 to 24 years of age were laid against prostitutes. Over three quarters (78 per cent) of the charges against offenders between 25 and 34 years of age were laid against prostitutes. In contrast, and not surprisingly, 80 per cent of the charges involving offenders 35 years of age and older were laid against customers.

EXHIBIT 3.9
Role of Offender Broken Down by Age

	16-17	18-24	25-34	35 and over	Unknown	Total
Prostitute	11	68	32	2	3	113
Customer	1	3	9	12	-	25
Intermediary	-	-	-	1	-	1
Total	12	71	41	15	3	142

Exhibit 3.10 presents a breakdown of the charges laid by gender and age of offender. Overall, 27 per cent of charges were laid against male offenders. Only one male juvenile (customer) was arrested. Approximately one fifth of the charges involving offenders 18 to 24 years of age were laid against males, while over one third of the charges

---

[1] Another juvenile was arrested under s.195.3 for procuring.

against offenders 35 years of age and older were laid against males.

EXHIBIT 3.10
Gender of Offender Broken Down by Age

	16-17	18-24	25-34	35 and over	Unknown	Total
Male	1	13	12	13	-	39
Female	11	58	29	2	3	103
Total	12	71	41	15	3	142

3.2.2 Overview of Court Proceedings for Charges Laid Under Bill C-49

In this section we examine the Crown and Court processing of cases involving C-49 in Halifax between December, 1985 and May, 1987. Exhibit 3.11 displays the distribution of cases by the type of defense counsel. In over half of the Crown files reviewed, the type of defense counsel was not specified. In 19 of these cases the defendants did not appear and were never located.

EXHIBIT 3.11
Charges Laid by Type of Defense Counsel

	Legal Aid	Private	Self	Unspecified	Total
Communicating	27	30	10	75	142
Per Cent	(19.0)	(21.1)	(7.0)	(52.8)	(99.9)

We can safely assume for these cases that defendants had no intention of securing defense counsel. Examining only those (67) cases where the type of defense counsel was specified, 40 per cent of cases were attended by

legal aid lawyers, 45 per cent by private counsel and 15 per cent involved no defense counsel.

EXHIBIT 3.12
Charges Laid by Defendant's Plea at First Court Appearance

	Guilty	Not Guilty*	No Plea	Total
Communicating	73	46	23	142
Per Cent	(51.4)	(32.4)	(16.2)	(100.0)

* Defendants changed their original plea at second or subsequent appearances in only 18 cases.

Exhibit 3.12 presents the first plea registered broken down by the charge laid. In approximately one half (51 per cent) of the cases involving communicating, defendants pleaded guilty at first appearance, while 32 per cent pleaded not guilty and 16 per cent did not enter a plea.[1]

Exhibit 3.13 presents breakdowns of the first plea by defendants charged with communicating, by selected characteristics of the defendants. Approximately one third (31.5 per cent) of the guilty pleas were entered on behalf of customers charged with communicating.[2]

While not particularly surprising, this was an interesting finding as only about 18 per cent of cases involved customers as defendants. This finding was not particularly surprising as we had expected to find that

---

[1] Of the 23 cases in which no plea was entered, 19 never appeared nor were they ever located and two cases were withdrawn by the Crown prior to a plea being entered.

[2] Put in another way, 92 per cent of cases involving customers heard a guilty plea at first appearance.

customers wanted to put the entire episode behind them as quickly (and quietly) as possible.

EXHIBIT 3.13
First Plea to Communicating by Selected Characteristics

Status	Guilty	Not Guilty	No Plea	Total
Prostitute	50	43	23	116
Customer	23	2	-	25
Intermediary	-	1	-	1
Total	73	46	23	142
Gender				
Male	25	11	3	39
Female	48	35	20	103
Total	73	46	23	142
Age				
16 - 17	7	4	1	12
18 - 24	34	24	13	71
25 - 34	22	13	6	41
35 and over	10	4	1	15
Unspecified	-	1	2	3
Total	73	46	23	142

In the 116 cases involving prostitutes as the accused, 43 per cent of the defendants pleaded guilty at first appearance, while 37 per cent pleaded not guilty. In the remaining 20 per cent of these cases, no plea was entered at first appearance.

A guilty plea was entered at first appearance by 64 per cent of the male defendants.[1] In contrast, only 47

---

[1] As 92 per cent (23 males) of the customers pleaded guilty, this means that in only 12.5 per cent of the cases involving male prostitutes was a guilty plea entered at first appearance.

per cent of female defendants pleaded guilty at first appearance.

There were interesting variations in the pleas at first appearance when broken down by the age of the defendant. Two thirds of defendants 35 years of age and over pleaded guilty at first appearance, while 54 per cent of defendants 25 to 34 years of age, 48 per cent of those 18 to 24 years of age and 58 per cent of the juveniles (16 and 17 years old) pleaded guilty at first appearance.

EXHIBIT 3.14
Type of Adjudication by Defendants' Plea at First Appearance to Charges of Communicating for the Purpose of Prostitution

Types of Adjudication	Guilty	Not Guilty	No Plea	Total
Withdraw	-	-	2	2
Dismissal	-	8	1	9
Nullified*	-	5	4	9
Guilty	71	28	3	102
Pending	1	5**	13	19
Absolute Discharge	1	-	-	1
Total	73	46	23	142

* Nullified cases can be retried within 6 months from the date at which the nullity was entered into the court records. The final outcome of these cases is no longer dependent on the ruling of the Supreme Court of Canada as the six month time frame has already elapsed.

** One case which was overturned by the Nova Scotia Court of Appeal is currently being heard by the Supreme Court of Canada. Thus, the type of adjudication for this case is being treated as pending.

Exhibit 3.14 displays the type of adjudication broken down by the defendant's first plea. Overall, 72 per cent of the cases ended in conviction. Approximately 61 per cent of the cases where the defendant pleaded not guilty at first appearance ended with guilty verdicts.

EXHIBIT 3.15
Rate of Conviction for Communicating by Selected Characteristics

Status	Convicted	Not Convicted	Pending	Total
Prostitute	79	18	19	116
Customer	23	2		25
Intermediary	-	1	-	1
Total	102	21	19	142
Gender				
Male	31	6	2	39
Female	71	15	17	103
Total	102	21	19	142
Age				
16 - 17	9	2	1	12
18 - 24	50	9	12	71
25 - 34	31	7	3	41
35 and over	12	3	-	15
Unspecified	-	-	3	3
Total	102	21	19	142

In order to obtain a breakdown of the type of adjudication by selected characteristics, we recoded the types of adjudication into three categories: convicted, not convicted, and pending. Thus, cases in which charges were dismissed, withdrawn, nullified, or absolutely discharged have been recoded as not convicted in Exhibit 3.15. There were significant variations in the rates of conviction for

prostitutes and customers. The conviction rate for customers was 92 per cent, while it was only 68 per cent for prostitutes. We believe this finding has more to do with the desire for customers to distance themselves from the incident as quickly and quietly as possible rather than on any intrinsic differences in the strength or merit of cases involving either category of defendant. Broken down by gender, the conviction rate for males was 79 per cent compared with 69 per cent for females. This means that male prostitutes had an arrest conviction rate of 61 per cent (eight of 13 cases ended in conviction).

It is interesting to note that the rate of conviction declines with the total number of previous charges for communicating since December, 1985 at the time of adjudication (see Exhibit 3.16). For first time offenders under the provisions of Bill C-49, the rate of conviction was 75 per cent. In contrast, two thirds (64 per cent) of second time offenders and only one half (57 per cent) of third time offenders were convicted.[1]

EXHIBIT 3.16
Rate of Conviction by Total Number of Communicating Charges

Total Number of Charges	Convicted	Not Convicted	Pending	Total
One	80	13	14	107
Two	18	8	2	28
Three	4	-	3	7
Total	102	20	19	142

[1] The remaining three cases involving third time offenders are still pending as the offenders have not been located.

3.2.3 Sentencing Variations

In this section we examine the variations in outcomes by selected variables. Before embarking on a detailed examination of sentencing variations, there are a number of interesting points to cover concerning the average time lag between arrest and final adjudication.

Time Lag

Exhibit 3.17 presents a breakdown of the number of remands/appearances by the charge laid. The range for the number of remands/appearances was from one to six. The (mean) average number of remands/appearances for offenders charged with communicating for the purposes of prostitution was 1.62 (median of 1.00) appearances.[1]

EXHIBIT 3.17
Number of Remands/Appearances by Charge

Charge	One	Two	Three	Four	Five	Six	Unknown	Total
Communicating	79	42	16	3	-	1	1	142
Per Cent	(55.6)	(29.6)	(11.3)	(2.1)	(0.0)	(0.7)	(0.7)	(100.0)

The time lag between arrest and final court appearance ranged from zero to 505 days. The (mean) average time lag was 71.7 (median of 21) days. This extreme range indicates that a number of factors affected the time lag. If we take the median as the average, our findings would indicate that the implementation of Bill C-49 has not put an undue burden on the court system in Halifax.

---

[1] An interesting comparison can be made with cases involving pimps charged under s.195.3. The (mean) average number of remands/appearances for offenders charged with living off the avails of prostitution was 2.29 (median of two) appearances.

Exhibit 3.18 examines the relationship between the time lag in weeks and the role of the offender. Approximately two thirds (62.5 per cent) of the cases involving prostitutes were completely processed within five weeks of the date of arrest. In contrast, 56 per cent of the cases involving customers were completed within five weeks. Over one quarter (26 per cent) of the cases involving prostitutes extended 21 or more weeks between arrest and final appearance. In contrast, only 16 per cent of the cases involving customers extended beyond 21 weeks from the time of arrest.

EXHIBIT 3.18
Time Lag (in Weeks) by Role of Offender

	Prostitute	Customer	Inter-mediary	Total
Less than one week	6	3	-	9
One week	26	8	-	34
Two to five weeks	28	6	-	34
Six to ten weeks	5	1	-	6
11 to 20 weeks	6	3	1	10
21 to 30 weeks	19	2	-	21
31 or more weeks	6	2	-	8
Unknown	20	-	-	20
Total	116	25	1	142

Exhibit 3.19 presents the relationship between the type of adjudication and the time lag (in weeks) between arrest and final appearance. Less than ten per cent of all cases were completed within one week of the date of arrest. Equal proportions (approximately 30 per cent each) of the cases which ended in a guilty verdict ended in one week, two to five weeks, and more than six weeks. In contrast, two thirds of the cases which were dismissed or nullified had extended at least 11 weeks after the date of arrest. This

suggests that drawing out the court process increased the possibility of getting a dismissal.

EXHIBIT 3.19
Time Lag (in Weeks) by Type of Adjudication

	Dismiss	Nullify	Guilty	Pending	Absolute Discharge	Totals
Less than one week	-	-	9	-	-	9
One week	1	-	32	1	-	34
Two to Five weeks	1	1	30	-	1	33
Six to ten weeks	1	1	2	2	-	6
11 to 20 weeks	2	1	7	-	-	10
21 to 30 weeks	1	2	18	1	-	21
31 or more weeks	3	-	4	-	-	8
Unknown	5	-	-	15	1	21
Total	14	5	102	19	2	142

Prior Record for Communicating

Exhibit 3.20 presents a crosstabulation of the number of charges for communicating in Halifax by the type of sentence. None of the offenders in Halifax received jail sentences except for non-payment of fines. In total, 102 cases ended in conviction. The majority of offenders (88 per cent) received fines only, while a minority (five per cent) received probation only.[1]

Given the small numbers of recidivists, it is difficult to discern trends by the total number of charges. By and large, first time offenders received $100 fines while recidivists received larger fines.

---

[1] In five cases, offenders received probation only. All of these cases involved juvenile offenders. In six cases defendants received both fines and probation. Twelve offenders received probation and mapping restrictions, while one offender received a fine and mapping restriction but not probation.

EXHIBIT 3.20
Type of Sentence by Total Number of Communicating Charges

Level of Fine

Number of Charges	$1 - 99	$100 - 199	$200 - 299	$300 plus	Total
One	1	62	4	4	71
Two	-	8	2	5	15
Three	-	1	1	2	4
Total	1	71	7	11	90

Length of Probation

	6 months or less	7 - 12 months	13 - 24 months	Total
One	2	2	8	12
Two	-	1	3	4
Three	1	-	-	1
Total	3	3	11	17

The vast majority of first time offenders received fines of $100 plus $10 for court costs. About half of the second time offenders received fines of between $100 and $199, while one third of the second time offenders received fines of $300 or more. Two of the four third time offenders received fines of $300 or more, while one received a fine of $150.

In terms of the length of probation orders, no discernible trends are apparent when broken down by the total number of charges. It may be that the length of the probation orders was linked to factors which were not recorded in the court records (e.g., demeanour of the defendant).

EXHIBIT 3.21
Type of Sentence by Offender's Status and Age

Level of Fine

	$1 - 99	$100 - 199	$200 - 299	$300 or more	Totals
Prostitutes' Age					
16 - 17	-	1	-	-	1
18 - 24	1	37	3	5	46
25 - 34	-	12	4	5	21
35 or older	-	1	-	-	1
Totals	1	51	7	10	69
Customers' Age					
18 - 24	-	2	-	-	2
25 - 34	-	8	-	-	8
35 or older	-	10	-	1	11
Totals	0	20	0	1	21

Level of Probation

	6 months or less	7 - 12 months	13 - 24 months	Totals
Prostitutes' Age				
16 - 17	-	1	6	7
18 - 24	2	-	3	5
25 - 34	-	2	1	3
35 or older	-	-	-	-
Totals	2	3	10	15
Customers' Age				
16 - 17	-	-	1	1
18 - 24	-	-	-	-
25 - 34	1	-	-	1
35 or older	-	-	-	-
Totals	1	0	1	2

Exhibit 3.21 presents the types of sentences broken down by the status and age of the offender. While the vast majority of offenders received fines of $100, the likelihood of receiving larger fines was greater for prostitutes than for customers. Approximately one quarter of the prostitutes received fines greater than $200, while only one customer (five per cent) received a fine of more than $300.

Evidently, the age of the prostitute had a bearing on the level of fine received. Broken down by age, 17 per cent of the prostitutes between 18 and 24 years of age and 43 per cent of the prostitutes between 25 and 34 years of age received fines in excess of $200.

Age also seems to have had a bearing on the length of probation. Six of the seven juvenile prostitutes and the only juvenile customer who received probation were given terms of greater than one year.

Exhibit 3.22 presents the type of sentence broken down by the date of arrest. The percentage of offenders who received fines greater than $200 climbed steadily for the first three reporting quarters, remained steady during the fourth quarter then declined. During the first quarter, 13 per cent of offenders received fines in excess of $200. During the second quarter, this climbed to 20 per cent while in the third quarter 29 per cent of the offenders received fines of $200 or more. In the fourth quarter, 27 per cent of the offenders received fines in excess of $200 while only 17 per cent of offenders in the fifth quarter received the same levels of fines.

EXHIBIT 3.22
Type of Sentence Broken Down by Date of Arrest

Level of Fine

	$1 - 99	$100 - 199	$200 - 299	$300 or more	Totals
Dec. '85 - Mar. '86	-	26	1	3	30
Apr. - June '86	-	12	3	-	15
July - Sept. '86	1	14	2	4	21
Oct. - Dec. '86	-	8	1	2	11
Jan. '87 - Mar. '87	-	10	-	2	12
Apr. - June '87	-	1	-	-	1
Totals	1	51	7	10	69

Level of Probation

	6 months or less	7 - 12 months	13 - 24 months	Totals
Dec. '85 - Mar. '86	1	-	-	1
Apr. - June '86	1	-	6	7
July - Sept. '86	-	2	1	3
Oct. - Dec. ' 86	1	-	1	2
Jan. - Mar. '87	-	1	2	3
Apr. - June ' 87	-	-	1	1
Totals	3	3	11	17

3.2.4 Changes in Crown Defense and Judicial Strategies and Evidentiary Requirements

Evidentiary Requirements

We began by asking respondents from the Crown, defense and judiciary[1] what proof the Crown must typically submit in order to obtain a verdict of guilty. All of the respondents related that conversation in public regarding

---

[1] We have combined the three groups of respondents in order to ensure their anonymity. This was especially important for the two members of the judiciary who agreed to cooperate with the evaluation after guarantees of anonymity.

prices for specific sexual services was a prerequisite for a guilty verdict. In addition, clear identification of the defendant, as well as the date and place where the offence occurred must be submitted by the Crown.

Undercover police officers using a body pack (i.e., a wire) recorded the conversations. It is interesting to note that the actual tape recordings were not required at the trials. During their testimony, the arresting officers referred to notes made from the recordings rather than to the actual content of the tape. In fact, the actual recordings were not admitted into the court records.

Defense Strategies

We also asked respondents what defense(s) attorneys generally bring forward in order to obtain acquittals. Respondents noted that the majority of cases involved guilty pleas, thus there were only a small minority of cases in which defenses were argued. Of these cases the most typical defenses were based on Charter arguments regarding the freedoms of speech and association. Some of the other defense arguments which evolved over time included: mistaken identity of the defendant; that no such communication took place; and that the defendant was conducting or involved in research or a joke. There were also defenses based on procedural grounds such as the admissibility of hearsay evidence and the use of entrapment (decoys) to obtain evidence. None of the defense arguments were seen as particularly effective.

We asked respondents to comment on any changes they perceived with Crown and defense strategies since Bill C-49 was passed. The only difference noted by respondents regarded the Crown's reliance on recorded evidence which was

not used prior to the new law. The other major difference was that customers had never been charged and prosecuted for Criminal Code offences involving prostitution prior to C-49. Thus, it was difficult to make comparisons between the pre- and post C-49 periods.

Substantive Problems

Respondents were asked if they believed there were any substantive problems with Bill C-49 which posed problems in the application of the law in court. Approximately one half of the respondents from the Crown, defense and judiciary remarked that the primary issue revolves around whether communicating can be illegal, especially if the act itself is not a proscribed activity.

One respondent remarked further that the Bill was far too broad, trying to "catch everyone" without being very specific. Three respondents remarked that ambiguity in the wording of the law had created problems in the determination of the evidentiary requirements especially during the initial period in which the Bill was applied.

Sentencing Factors

Respondents were also asked to comment on any perceived differences in the outcomes of cases where defendants pleaded guilty as opposed to being found guilty. None of the respondents from the Crown, defense or judiciary believed that the defendant's plea had any bearing on their sentencing. In general, respondents perceived that the most important factors considered in the sentencing of prostitutes were their age (i.e., juveniles were given probation rather than fines) demeanour at court, and the results of the presentencing report detailing prior record. For customers, the presentencing report was perceived as the

most important factor in the determination of appropriate sentences.[1]

In general, the majority of respondents from the three groups believed that the levels of fines were basically standardised for offenders in Halifax regardless of actor status or type of prostitution practiced. The major consideration seems to have been the number of charges laid under S.195.1.

3.2.5 Significant Jurisprudence in Halifax

The Skinner v. the Queen (S.C.C. 01533, May, 1987) appeal represents the most significant contribution to jurisprudence in Halifax regarding s.195.1. The fundamental issues in the Skinner case are: (i) whether or not s.195.1 is inconsistent with the freedoms of expression and association rights guaranteed by s.2(b)(d) of the Canadian Charter of Rights and Freedoms; and (ii) if s.195.1 is inconsistent with the Charter, can it be demonstrated that s.195.1 represents a reasonable limit (s.1 of the Charter) on the rights of the individual in a free and democratic society?

In terms of the first issue, the crucial determination revolves around whether or not the guarantees of freedom of expression and association rights included in the Charter can be extended to the economic sphere.[2] The

---

[1] It is interesting that one of the respondents remarked that presentencing reports for customers usually examined family and work relationships while for prostitutes prior record was the major focus.

[2] The Supreme Court of Canada ruled in Retail, Wholesale and Department Store Union et.al., v. Dolphin Delivery Ltd. that the Charter guarantees of freedom of expression and association are extended to everyone in Canada and

majority decision (with one dissenting opinion) of the Nova Scotia Court of Appeal that the Charter as construed by the Dolphin ruling "assumes the prostitute the right to communicate with prospective customers and them with the prostitute respecting the sale and purchase of sex" (Skinner v. Queen, S.C.C. 01533, May, 1987, p.10). The court also ruled that s.195.1 appears to offend s.2(d) of the Charter (freedom of association) as it inhibits (and de facto criminalizes) the free (economic) association between consenting adults (i.e., prostitutes and customers).

The second issue in the Skinner decision revolved around the application of s.1 of the Charter which sets limits on individual rights. R. v. Oakes (1986, 65 N.R. 87, S.C.C.) dictates that the application of s.1 requires a three-part means test[1] to determine the nature of and justification for reasonable limits on individual rights guaranteed by the Charter.

The majority decision (with one dissenting opinion) of the Nova Scotia Court of Appeal was that s.195.1(1)(c) failed the Oakes test on all three counts. Specifically the court ruled that:

---

not limited strictly to debates on high principles or policy issues. As this case involved expressions surrounding labour negotiations it has been argued that it extends to, by inference, negotiations between buyers and sellers of commodities and services.

1 The three part means test suggest that: (i) the objective of the legislation must be of sufficient importance to warrant overriding Charter rights or freedoms; (ii) the means chosen for fulfilling the objective must be reasonably chosen and demonstrably justified; and (iii) the effects of the legislation must be proportionate to its true objective.

It has not been shown that street prostitution is a substantial evil which must be suppressed despite the resulting disregard of Charter freedoms. Disorderly conduct, especially near residences, should indeed be clearly criminal but, so far as that was the objective of s.195.1(1)(c) the means chosen of completely banning street prostitution are not reasonable and demonstrably justified. The section goes far beyond what was reasonably necessary. It attacks not only the disorderly prostitutes, but also those who quietly and discretely stroll or stand around non-residential areas (Skinner v. Queen, S.C.C. 01533, per J.A. MACKEIGAN, p.14).

4.0 THE PRACTICE OF PROSTITUTION IN HALIFAX

In this chapter, we describe the current prostitution scene in Halifax with a particular focus on changes in the practice and incidence of street prostitution that have occurred since the new law was passed. Halifax offers a unique study site due to the fact that part of the law was nullified May 22, 1987 by the Nova Scotia Court of Appeal.[1] The fact that s.195.1(c) of the law was overturned allows us to adopt a quasi-experimental design such that comparisons can be drawn between three distinct periods: (i) the period preceding Bill C-49; (ii) the period in which the new law was in effect (December, 1985 through May, 1987); and (iii) the period since the law was overturned by the judiciary. In essence, this means that we can attribute a number of observed changes directly to the law.

The evidence for this chapter is derived from multiple sources, including: field observation; police and Crown/Court records; and interviews with persons engaged in prostitution. Additional corroborating evidence was derived from interviews with relevant members of the Criminal Justice System (e.g., police).

The first section of this chapter presents the findings from the field observation. This section lays a foundation for understanding the dynamics underlying the impacts of Bill C-49 on the practice of prostitution by presenting a portrait of the current street scene. It

---

[1] The Nova Scotia Court of Appeal ruled in the Skinner case that s.195.1(1)(c) contravened the freedoms of speech and association rights guaranteed by the Canadian Charter of Rights and Freedoms.

describes the four major strolls, the numbers of active players on the scene, and the general demeanour of prostitutes and customers on the streets. The current situation is then contrasted with the findings from the 1984 study completed by Nikita Crook.

The second section presents both quantitative and qualitative sociodemographic profiles of persons engaged in prostitution activities in Halifax. This section allows us to gain an accurate portrait of not only who is working the streets, but also the factors which may impede prostitutes from seeking alternative sources of livelihood.

The third section presents a profile of the current practices of street prostitutes in Halifax with particular emphases given to the impacts of the legislation on services and prices, location of tricks, number of customers, etc..

The fourth section focuses on the displacement effects of Bill C-49 by examining the changes in the off street prostitution trade since the new legislation was implemented. The current off street trade is contrasted with the findings from the 1984 study.

The final section presents perceptions, expressed by respondents from the police regarding the impacts of Bill C-49 on the practice of prostitution in Halifax. To a certain extent these perceptions serve as a source of validation for the other findings presented throughout this chapter.

4.1 Field Observation of Street Prostitution

"The Stroll"[1]

The Stroll is something special
something that's there
something that doesn't have a feeling
but it's still there.
They all put us down.
They don't understand
but we need the stroll more
than any man.

Anonymous, 1987

There are four distinct strolls or locations where street prostitution is practiced in Halifax. Two of these strolls are heterosexual and two are homosexual. The Hollis/Barrington Streets stroll is the major (commercial) heterosexual stroll and is controlled by pimps. It is also the location where the public outcry concerning the nuisance factors associated with the street trade in Halifax was centered.

The Gottingen/Portland/Maitland Streets stroll is known as the "independent" heterosexual stroll, not controlled by pimps. The prostitutes who are associated with this stroll only work occasionally or on a part-time basis.

The "Triangle" is the area in which male homosexual prostitution activities in Halifax are centered. During the course of the Time Two observation period we noted an expansion of this stroll area. The stroll is bordered on one side by Spring Garden Road which is

---

1 Anonymous poem published by the National Youth in Care Network in its report "On the Other Side" prepared for the National Consultation on Juvenile Prostitution held during September, 1987.

primarily a commercial thoroughfare containing shops and restaurants. The other streets which form the Triangle are residential.

The fourth stroll area is Citadel Hill, an historic landmark/park in the centre of the city. Citadel Hill has traditionally been the "cruising" or pickup area for homosexual males. Exhibit 4.1 (A, B, C and D) presents maps of the four strolls.

The rationale for conducting street counts during two distinct time periods was to ensure that variables such as weather conditions and seasonal variations in supply/ demand did not bias our findings. By controlling for factors such as weather conditions, we had expected to be able to make direct causal linkages between the control practices associated with C-49 and the changes in the levels of incidence since 1984, however, part of the law was overturned (May, 1987) in Halifax prior to the beginning of the field work, thus, introducing a new variable to the equation.

Even though the status of the law had changed, we still believed that conducting street counts during two distinct time periods would enhance our ability to draw causal links between Bill C-49 and the incidence/visibility of street prostitution in Halifax. For example, we felt that if there were significant increases between the two time periods, we could still speak to the issue of the impact of Bill C-49 on the incidence and general patterns of street prostitution in Halifax even though part of the law had been overturned.

EXHIBIT 4.1.A
Hollis/Barrington Streets Stroll
(Heterosexual)

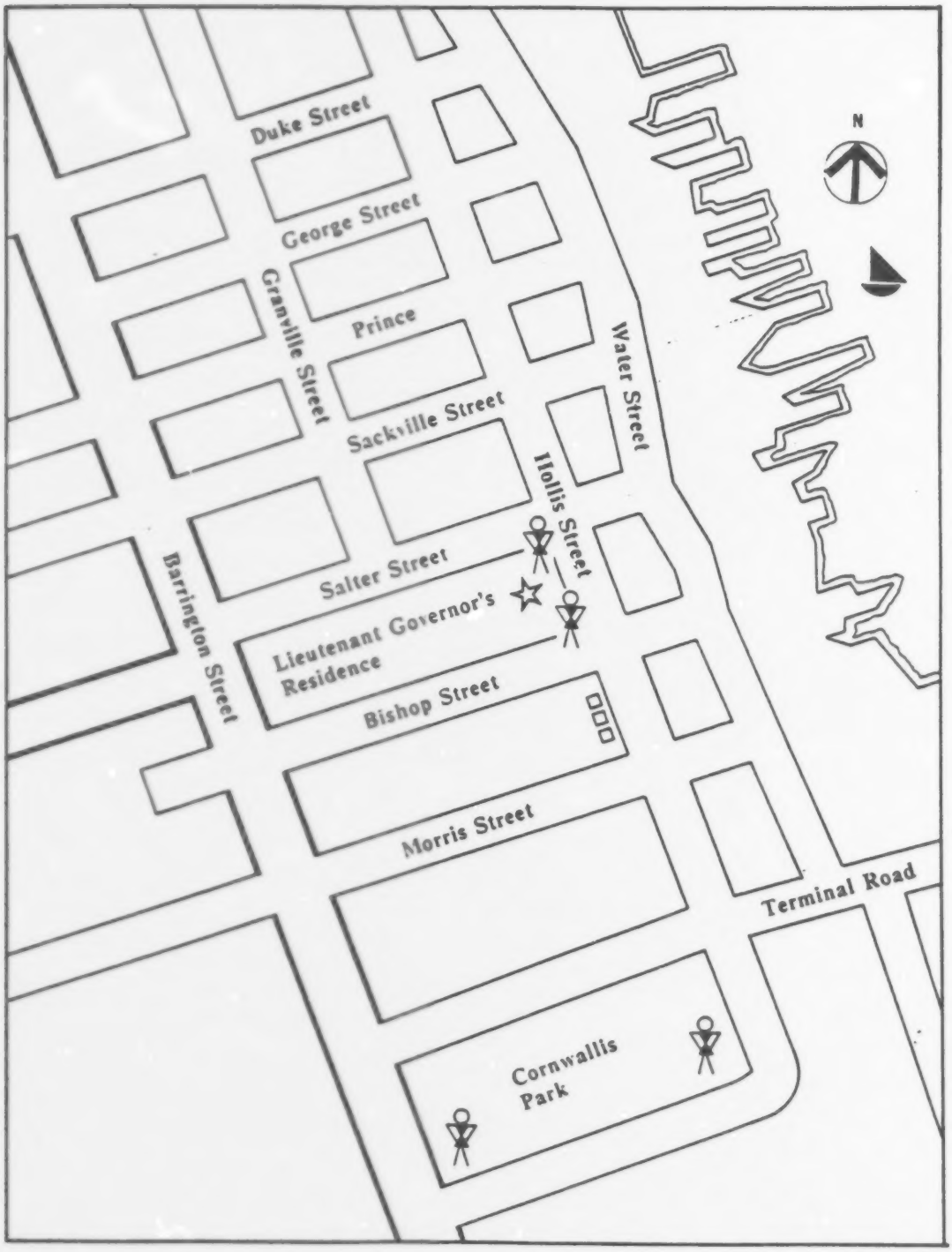


EXHIBIT 4.1.B
Portland/Maitland Stroll
(Heterosexual)

EXHIBIT 4.1.C
The Triangle
(Homosexual)

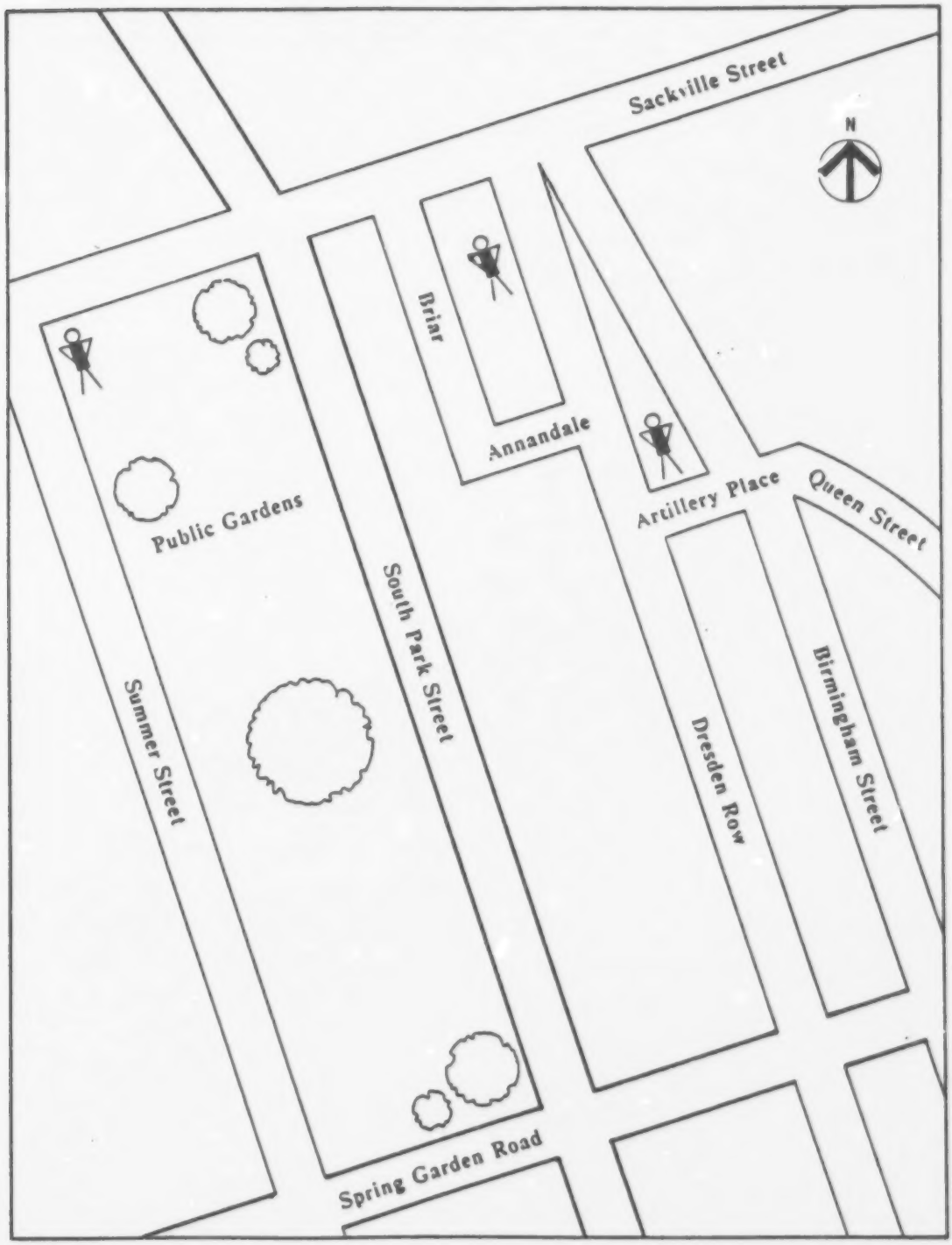
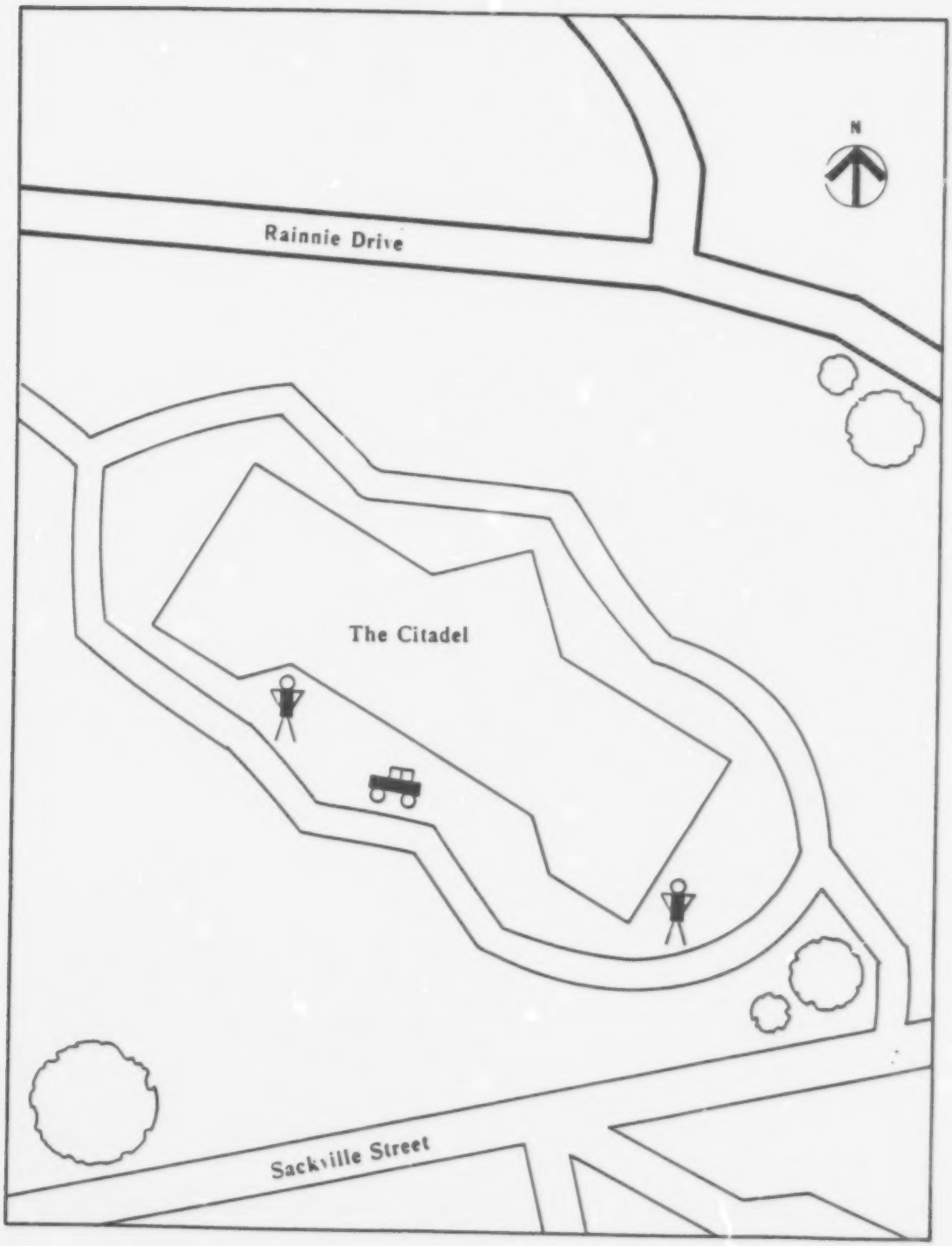


EXHIBIT 4.1.D
Citadel Hill
(Homosexual)



During the first observation period, the first two days (Thursday and Friday) were used to determine peak activity periods. This was accomplished by taking hourly counts along all four strolls for 48 consecutive hours. Based on these observations, we determined the peak activity periods during which all subsequent observations would be conducted. Exhibit 4.2 presents the aggregated counts for the first two days of observation.

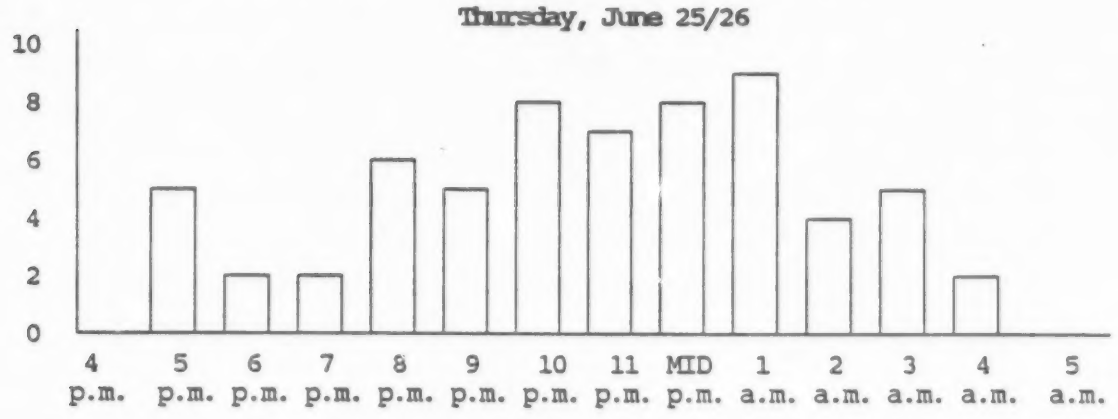
The counts began at noon on Thursday, June 25th, however, no one who could be unambiguously defined as a prostitute was observed along any of the strolls prior to five p.m.. Similarly, no activity was observed between five a.m. and five p.m. on Friday. After the first two days of observation, we made a somewhat arbitrary decision, based on cost considerations, that it would be too inefficient to consider periods in which less than six prostitutes were observed (throughout the city) to be peak periods.[1] For this reason we defined the peak activity periods to extend from nine p.m. until one a.m.. All street counts taken after Friday were therefore conducted only during this peak period.

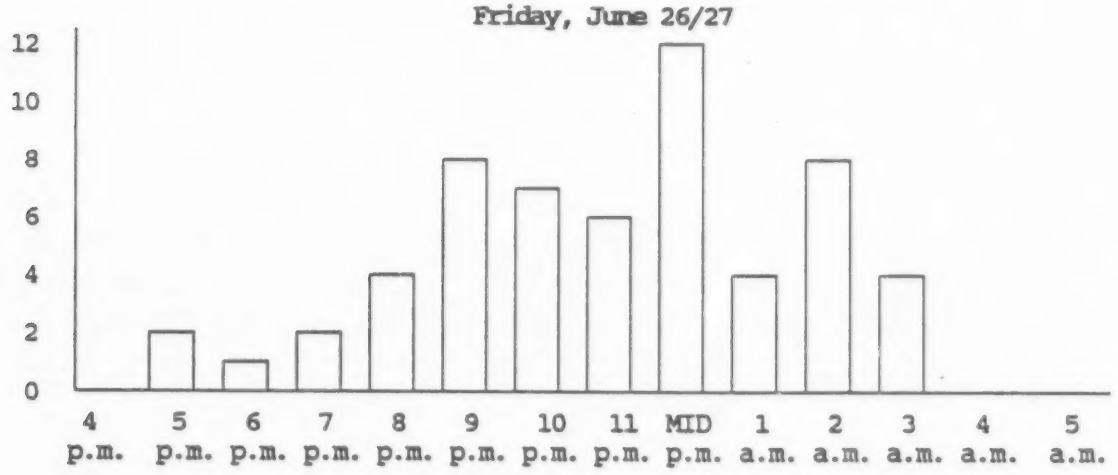
During the Time One observation period, the field worker was unable to distinguish between prostitution related activities and general "cruising" along the Citadel Hill stroll. This difficulty was obviated to some extent during the Time Two observation period by using two

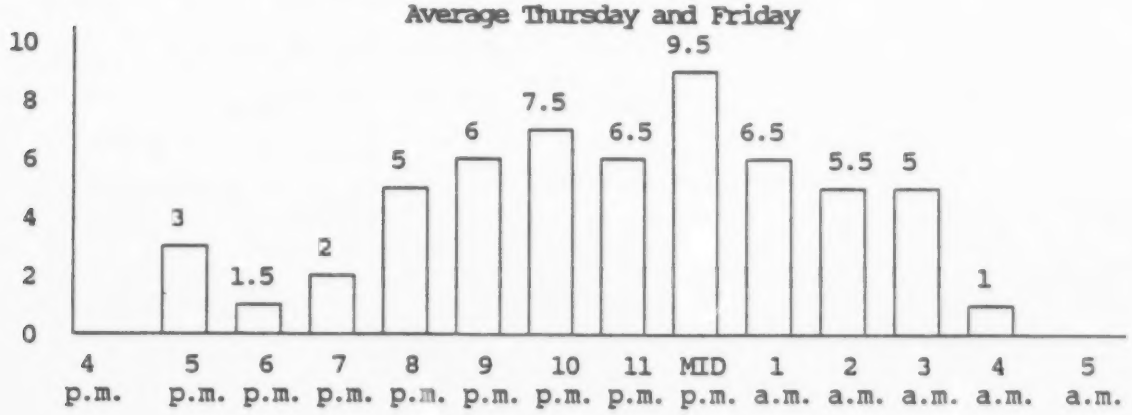
---

[1] One additional reason for this decision stemmed from our inability to determine whether or not males observed along the Citadel Hill stroll were engaged in prostitution activities. These males of questionable status (i.e., possibly prostitutes although possibly just cruising) accounted for all persons observed prior to eight p.m. as well as the majority of persons observed after two a.m. on both Thursday and Friday.

EXHIBIT 4.2
Peak Activity Periods, Thursday and Friday







observers and writing down detailed descriptions of suspected prostitutes for purposes of comparison over the duration of the evening. Those males on foot who remained along the stroll for at least two hours and were seen approaching cars on a regular basis were defined as prostitutes for the purposes of this study. Attempts to interview these males to determine their status (i.e., prostitute or cruising) were met with open hostility.

Exhibit 4.3 presents our street counts for the peak periods during the two observation periods. An interesting finding regarding the field observation component of this study relates to the seemingly determinate role played by weather conditions. In general, street activities were minimal on those days (during both observation periods) when it was raining and/or cold. At the beginning of each chart, included in Exhibit 4.3, the weather conditions are presented for both observation periods.

4.1.1 Patterns and Analysis: Time One

The primary stroll in terms of overall activity in Halifax is the Hollis/Barrington Streets stroll. During the first observation period in June, we were surprised to find Thursday and Tuesday evenings to be the busiest nights of the week. Thursday coincided with a pay period which may explain the higher volume of traffic/activities observed, while Tuesday was the night before the statutory Canada Day holiday.

Hollis/Barrington

In general, we found the volume of street activity along the Hollis/Barrington Streets stroll during Time One to be very small. The maximum number of

prostitutes observed at any one time was nine (observed at one a.m. on Tuesday June 30/July 1). We also observed three females who may have been juveniles, although the difference between juveniles and adults (i.e., 18 years of age) was difficult to determine. We also observed the working relations and overall demeanour of the women working this stroll. During the first week of observation, two males whom police had identified to us as pimps were seen cruising the stroll in their cars, however, they were not observed approaching any of the prostitutes. To the extent that generalisations can be made, we noted that the majority of the women worked alone or with one other female. The prostitutes appeared to be very territorial, working the same corner or half block area each night. Their demeanour was, on the whole, very restrained. None of the activities or disruptions described as nuisance factors associated with street prostitution (e.g., excessive noise, aggressive behaviour, arguments/fights, profane language, etc.) were observed during the Time One observation period.

Gottingen

We observed minimal activity along the Gottingen Street stroll throughout the first week of field observation. The maximum number of women observed at any one time was five, of which two appeared to be juveniles. As noted, the women only worked on an occasional basis, thus there was no activity during most of the observation period. One of the adult females observed appeared to be at the top of the "pecking order" in that she had the prime location (at the corner of Maitland and Portland) whenever she was working.

This stroll area does not have the volume of pedestrian or vehicular traffic found along the

EXHIBIT 4.3
Summary of Field Observation

Note: Time One: Clear and warm. No police presence.
Time Two: Warm but overcast. Pedestrian and vehicular traffic heavy along Barrington and Hollis streets due to the Buskars International Street Performers Festival.

THURSDAY

Stroll	9 p.m.		10 p.m.		11 p.m.		Midnite		1 a.m.	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Hollis/Barrington										
June 25 Time One	-	3	-	7	-	5	-	4	-	6
Aug. 20 Time Two	-	3	-	13	-	7	-	12	-	14
Gottingen										
Time One1	-	-	-	1	-	-	-	-	-	-
Time Two	-	2	-	3	-	3	-	-	-	-
Citadel Hill										
Time One2	1	-	-	-	1	-	1	-	-	-
Time Two3	2	-	1	-	4	-	-	-	4	-
The "Triangle"										
Time One	-	-	-	-	-	-	2	-	3	-
Time Two	-	-	3	1	1	-	-	-	-	-
TOTALS										
Time One	1	3	-	8	2	5	4	4	3	6
Time Two	2	5	4	17	5	10	-	12	4	14

1 The female observed at 10:00 p.m. was a juvenile.

2 All males observed during the evening along Citadel Hill were of questionable status.

3 Two of the four males observed at 11:00 p.m. and one of the four males observed at 1:00 a.m. along Citadel Hill (during the Time Two observation period) were of questionable status.

EXHIBIT 4.3
Continued

Note: Time One: Clear and cold. High profile presence noted due to Prince Edward's visit.
Time Two: Clear but quite cool (8*-10*C). Heavy traffic again due to Buskars Festival. A number of new women not previously seen were noted working the Hollis Street stroll.

FRIDAY

Stroll	9 p.m.		10 p.m.		11 p.m.		Midnite		1 a.m.	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Hollis/Barrington										
June 26 Time One[1]	-	7	-	4	-	5	-	5	-	2
Aug. 21 Time Two	-	1	-	6	-	6	-	12	-	11
Gottingen										
Time One	-	-	-	1	-	-	-	2	-	-
Time Two	-	2	-	2	-	-	-	3	-	1
Citadel Hill										
Time One[2]	1	-	2	-	1	-	4	-	2	-
Time Two[3]	2	-	3	-	-	-	1	-	5	-
The "Triangle"										
Time One	-	-	-	-	-	-	-	-	-	-
Time Two[4]	3	-	2	-	2	-	5	-	1	-
TOTALS										
Time One	1	7	2	5	1	5	4	7	2	2
Time Two	5	3	5	8	2	6	6	15	6	12

1 One of the seven females observed at 9:00 p.m. during the Time One observation period was a juvenile.
2 All of the males observed during Time One along Citadel Hill were of questionable status.
3 Four of the five males observed at 1:00 a.m. along Citadel Hill (Time Two) were of questionnaire status.
4 All five of the males observed at midnite along the Triangle appeared to be juveniles.

EXHIBIT 4.3
Continued

Note: Time One: Overcast, windy and heavy rain beginning at 11 p.m.
Time Two: Overcast with intermittent showers throughout the evening. Very slow night.

SATURDAY

Stroll	9 p.m.		10 p.m.		11 p.m.		Midnite		1 a.m.	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Hollis/Barrington										
June 27 Time One	-	1	-	3	-	4	-	5	-	1
Aug. 22 Time Two	-	-	-	1	-	3	2	3	-	2
Gottingen1										
Time One	-	-	-	-	-	-	-	-	-	-
Time Two										
Citadel Hill										
Time One2	2	-	3	-	3	-	4	-	6	-
Time Two	-	-	-	-	1	-	1	-	-	-
The "Triangle"										
Time One	-	-	-	-	-	-	-	-	-	-
Time Two	-	-	-	-	4	-	-	-	-	-
TOTALS										
Time One	2	1	3	3	3	4	4	5	6	1
Time Two	-	-	-	1	5	3	3	3	-	2

1 No activity along the Gottingen street stroll during either observation period (i.e., June or August).

2 All of the males observed during the Time One observation period along Citadel Hill were of questionable status.

EXHIBIT 4.3
Continued

Note: Time One: Clear and warm. Periodic police patrols noted on Hollis Street.
Time Two: Clear and cold (about 8*-10*C). Very little pedestrian and vehicular traffic along strolls

SUNDAY

Stroll	9 p.m.		10 p.m.		11 p.m.		Midnite		1 a.m.	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Hollis/Barrington										
June 28 Time One[1]	–	4	–	5	–	5	–	4	–	2
Aug. 23 Time Two	–	5	–	4	–	9	–	1	–	1
Gottingen										
Time One[2]	–	–	–	5	–	–	–	–	–	–
Time Two	–	3	–	–	–	–	–	–	–	–
Citadel Hill										
Time One[3]	6	–	6	–	6	–	6	–	5	–
Time Two[4]	–	–	1	–	1	–	–	–	–	–
The "Triangle"										
Time One	1	–	1	–	–	–	1	–	1	–
Time Two	5	–	–	–	–	–	–	–	1	–
TOTALS										
Time One	7	4	7	10	6	5	7	4	6	2
Time Two	5	8	1	4	1	9	–	1	1	1

1 High profile police presence noted during Time One observation period along the Hollis Street/stroll between 11:00 p.m. and midnite.
2 Two of the five females observed along Gottingen Street at 10:00 p.m. (Time One) were juveniles.
3 All of the males observed (during Time One) along Citadel Hill were of questionable status.
4 High profile police presence observed at 11:00 p.m. (Time Two) along Citadel Hill.

EXHIBIT 4.3
Continued

Note: Time One: Clear and warm. No police activity.
Time Two: Clear and cold (8*-10*C). Police presence noted along Hollis/Barrington Street.

MONDAY

Stroll	9 p.m.		10 p.m.		11 p.m.		Midnite		1 a.m.	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Hollis/Barrington										
June 29 Time One	-	1	-	6	-	5	-	2	-	4
Aug. 24 Time Two[1]	-	6	1	7	-	5	-	3	-	6
Gottingen										
Time One	-	1	-	1	-	-	-	-	-	-
Time Two	-	-	-	-	-	1	-	-	-	-
Citadel Hill										
Time One[2]	2	-	2	-	6	-	7	-	4	-
Time Two[3]	4	-	3	-	1	-	1	-	-	-
The "Triangle"										
Time One	-	-	-	-	-	-	-	-	-	-
Time Two[4]	1	1	1	2	-	-	-	-	5	-
TOTALS										
Time One	2	2	2	7	6	5	7	2	4	4
Time Two	5	7	5	9	1	6	1	3	5	6

1 High profile police presence noted during Time Two at 10:00 and 11:00 p.m. along the Hollis Street stroll.
2 All of the males observed (during Time One) along Citadel Hill were of questionable status.
3 Two of the four males observed at 9:00 p.m. (Time Two) along Citadel Hill were of questionable status. One of the confirmed males prostitutes appeared to be a juvenile. This same juvenile was observed again at midnite.
4 The males and females observed along the Triangle (Time Two) at 9:00 and 10:00 p.m. were of questionable status.

EXHIBIT 4.3
Continued

Note: Time One: Clear and warm. Police presence noted at 11:00 p.m. along Hollis/Barrington Street stroll.
Time Two: Clear and cold (6*-8*C). High profile police presence along Hollis/Barrington and the Triangle.

TUESDAY

Stroll	9 p.m.		10 p.m.		11 p.m.		Midnite		1 a.m.	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Hollis/Barrington										
June 30 Time One	-	7	-	7	1	8	-	8	-	9
Aug. 25 Time Two[1]	-	2	-	2	-	3	-	5	-	6
Gottingen										
Time One										
Time Two	3	-	-	-	-	-	-	-	-	-
Citadel Hill										
Time One[2]	5	-	4	-	5	-	-	-	5	-
Time Two	1	-	1	-	2	-	-	-	2	-
The "Triangle"										
Time One	-	-	1	-	-	-	-	-	-	-
Time Two[3]	1	-	2	1	7	1	-	-	1	-
TOTALS										
Time One	5	7	5	7	6	8	-	8	5	9
Time Two	5	2	3	3	9	4	-	5	3	6

1 High profile police presence noted (during Time Two) along the Hollis Street stroll at 9:00 and 10:00 p.m. and again at midnite. The three females observed at 11:00 p.m. appeared to be juveniles, while one of the five females at midnite and two of the females at 1:00 a.m. were juveniles.

2 All of the males observed during Time One along Citadel Hill were of questionable status.

3 High profile police presence noted during Time Two along the Triangle at midnite and 1:00 a.m.. The female observed at 10:00 p.m. was juvenile. All 8 people observed at 11:00 p.m. were of questionable status.

EXHIBIT 4.3
Continued

Note: Time One: Clear and warm. No police activity.
Time Two: Clear and warm (6°C). High profile police presence along Hollis/Barrington and the Triangle strolls.

WEDNESDAY

Stroll	9 p.m.		10 p.m.		11 p.m.		Midnite		1 a.m.	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Hollis/Barrington										
July 1 Time One	-	3	-	-	-	3	-	1	-	3
Aug. 26 Time Two[1]	-	4	-	2	-	6	-	11	-	3
Gottingen										
Time One	-	-	-	-	-	-	-	1	-	-
Time Two	-	-	-	-	-	1	-	-	-	-
Citadel Hill										
Time One[2]	1	-	7	-	7	-	1	-	4	-
Time Two[3]	2	-	4	-	2	-	1	-	2	-
The "Triangle"										
Time One	-	-	-	-	-	-	-	-	1	-
Time Two[4]	1	-	5	-	4	-	2	-	2	-
TOTALS										
Time One	1	3	7	-	7	3	1	2	5	3
Time Two	3	4	9	2	6	7	3	11	4	3

[1] High profile police presence noted (during Time Two) at 10:00 p.m., 11:00 p.m. and midnite. One of the four females at 9:00 p.m., one of the 11 females at midnite and one of the three females at 1:00 a.m. were juveniles.

[2] All of the males observed during Time One along Citadel Hill were of questionable status.

[3] Two of the four males observed at 10:00 p.m. were engaged in intercourse in plain view at the entrance to Citadel Hill.

[4] High profile police presence at 11:00 p.m. and again at 1:00 a.m. along the Triangle (during Time Two). The male observed at 9:00 p.m. was of questionable status.

Hollis/Barrington Streets stroll. It is also noticeably darker and is located in a less desirable (commercial or residential) area. The women who worked this area appeared quite subdued. They also seemed to be familiar with and get along well with each other as we noted what appeared to be amiable conversations during a number of observations. We observed six different females at different times, three of whom appeared to be juveniles.

In general, the lack of people and prostitution related activities in this area suggests that there is not enough demand for (sexual) services in this area to sustain an active, full-time stroll. There also is no evidence to suggest any significant crossover between the two heterosexual strolls. We did observe one female who usually works the Hollis/Barrington Streets stroll along the Gottingen Street stroll on the final night of observation during Time One (Wednesday, July 1/2 at midnight).

The Triangle

The volume of activity along the Triangle was negligible during the Time One observation period. We observed five different males at different times along the stroll. The maximum number observed at any one time was three males who may have been juveniles (Thursday, June 25/26 at one a.m.). In total, we noted five different males throughout the Time One observation period of which four may have been juveniles. The males working the Triangle did not seem to be as territorial as the women working the two heterosexual strolls. Their working relationships appeared amicable as we observed two or three males sharing a "joint" (i.e., a cigarette containing cannabis) on two separate occasions and numerous examples of what appeared to be

amiable conversations. There was no evidence of the involvement of pimps in the male sex trade in Halifax.

Citadel Hill

During the Time One observation period we noted a considerable volume of activity along the second homosexual stroll, Citadel Hill. As noted, however, we had a great deal of difficulty determining the levels of prostitution related activities. During the first observation period we counted all males on foot observed after dark as potential prostitutes. There were two reasons for this practice: (i) key informants from the police informed us that males on foot along Citadel Hill were more likely to be involved in prostitution; and (ii) given the reputation for random violence against gay males ("fag bashing") which occurs after dark along Citadel Hill, the average person would have to be extremely leery of hanging out on foot in this area. We did not count any males who were in vehicles as we believed these individuals were primarily seeking a "casual encounter" with like minded individuals (i.e., cruising).

The maximum number of males observed at any one time along Citadel Hill was seven. We noted at least five different males on foot throughout the week, however, we do not know how many were actually involved in prostitution. We noted some interesting patterns of behaviour among the potential male prostitutes. For example, they tended to sit on the guard rails along the roadway or completely off the roadway along the battlements of the Citadel. When a car stopped, they would sometimes approach and enter the car. The scene on the Hill "felt" much more undercover or secretive to the field workers than the scenes along the other strolls.

4.1.2 Patterns and Analysis: Time Two

Hollis/Barrington

During the second observation period (August 20/21 through August 26/27), we found the busiest evenings of the week along the Hollis/Barrington Streets stroll were Thursday and Wednesday. The maximum number of females we observed working at any one time was 14. Our field workers noted 31 different females working the stroll at various times.

In terms of working relationships, we noted two locations where between three and five women worked together. One location was behind the Lieutenant Governors' residence on Hollis Street between Salter and Bishop Streets, while the second location was on the stoop of an abandoned store on the corner of Hollis and Morris Streets. These women tended to be quite aggressive in demeanour. We observed numerous examples of the nuisance factors associated with street prostitution such as loud arguments, heavy flow of vehicular traffic, and loud negotiations conducted between customers in moving cars and prostitutes sitting on the wall behind the Lieutenant Governor's residence, etc.. The presence of pimps was also noted on several occasions. The pimps hang out at a bar located on Hollis Street and we noted them patrolling the stroll and periodically stopping to talk to the prostitutes. We did not, however, observe any violence between any of the key players, although we heard rumours of a running battle over territory between three or four of the prostitutes.

Gottingen

There was minimal activity along the Gottingen Street stroll during the second observation period. The

maximum number of females observed at any one time was three. We noted four different adult females working the stroll. On Tuesday, August 25 at nine p.m., we observed three males who appeared to be customers waiting for the arrival of prostitutes. We observed the area for approximately 45 minutes, however, to our knowledge none of the females we had noted working the stroll area on previous occasions ever showed up. The females who worked the Gottingen Street stroll were subdued in demeanour and we did not observe any of the nuisance factors associated with street prostitution throughout the Time Two observation period.

The Triangle

The Triangle stroll had at least some activity every night of the week. On Monday, August 24 at one a.m., we noted one of the regular males who was usually on the stroll walking away from the Triangle toward the Halifax Public Gardens. Acting on a hunch, we followed the male and found either an entirely new stroll or an extension of the Triangle. We noted a number of males sitting in parked cars and two males approaching the cars. We decided to conduct street counts in this area for the remaining two days of observation and to treat the counts as an extension of the Triangle stroll.

Including the extended area of the Triangle, we observed a maximum of seven males working at any one time (Tuesday, August 25, 11 p.m.), however, we were not absolutely sure whether all of these individuals were hustling. Overall, we noted at least 15 different males who appeared to be hustling in the Triangle stroll area, but

this may be overestimated.[1] Of the 15 males noted, five appeared to be juveniles. An interesting finding relating to the Triangle was that we observed five different females (or at least we believed them to be female). We were unsure of the status of four of the females, however, one woman was a regular along the Hollis/Barrington Streets stroll.

Citadel Hill

The maximum number of males who appeared to be hustling on Citadel Hill at any one time was five (Friday, August 21/22 at one a.m.). In total, we only noted six different adult males and two possible juveniles working Citadel Hill.

On the fourth night of observation, we noticed an unoccupied Casino taxi driving up the Hill. At the top, a young male of less than 18 years who was hiding behind the gatehouse ran out and jumped into the cab. We were unsure of the significance of this event, however, we had heard rumours that there was an escort service that runs young boys. According to the rumour, the boys receive a phone call from the service giving them a location and a description of a car that will pick them up. We were never able to verify this rumour. We thought this event with the cab may have been related to the rumoured service due to the fact that there are no telephone booths at the top of Citadel Hill with which to call for a cab.

In terms of working relationships, the males who appeared to be hustling worked completely alone. We did not

---

[1] While we were not absolutely sure of the working status of roughly half of the males, we believed they were hustling given the reputation of the area and their demeanour on the street.

see any of these males conversing with other hustlers. In general, their demeanour was very subdued.

An interesting difference we noted between Citadel Hill and the other three strolls stemmed from the nature of the clientele. Throughout the observation period, we noted a number of expensive European cars (BMW, Mercedes Benz, Volvo) along Citadel Hill, suggesting that customers along this stroll were more affluent than those observed along the other strolls. Customers along the other three strolls were driving a wider range of cars including everything from sub-compacts to full-size pick-up trucks which, to a certain degree, were more representative of the diverse income groups in the region.

4.1.3 Differences Between Time One and Time Two

There were a number of differences noted between the two observation periods. The primary difference was a general increase in prostitution related activities and in the absolute number of prostitutes, especially along the Hollis/Barrington Streets stroll, but also along the Triangle (see Exhibit 4.3). At least some of the increased activity was directly attributable to the null status of the law in Halifax.

A second major difference was the degree to which the police maintained a high profile presence. During Time Two, the police were much more highly visible than they had been during the first observation period. For example, foot patrols were observed on a number of occasions along the Triangle. On the Hollis/Barrington Streets stroll the police parked along the stroll at least once every night, apparently to discourage customers. We even noted a number of patrols along Citadel Hill.

There were interesting differences in the reactions of prostitutes along these three strolls to the increased police presence. Along the Hollis/Barrington Streets stroll, the police presence did not appear to have any deterrent effects on the prostitutes. When the police presence was strongest, the number of prostitutes working was highest. We believe this was related to the fact that the women knew they could not be arrested. We did notice, however, that the high profile police presence appeared to deter customers. For examples, the police parked marked patrol cars and paddy wagons at major intersections along the Hollis/Barrington Streets stroll. While this did not seem to affect the prostitutes, we did note that customers seemed reluctant to stop. Instead they kept driving around the stroll until the police moved on to other locations. Similarly, we noticed that when officers on foot patrol toured the Triangle no customers stopped. Eventually the hustlers moved to other locations if the officer(s) remained on the stroll. In addition to deterring customers, the police strategy also appears to have been an attempt to monitor and control the situation.

In contrast to the situation along Hollis/Barrington Streets, after a police patrol on Citadel Hill, hustlers and customers alike disappeared, at least temporarily. Similarly, foot patrols along the Triangle appeared to have a strong deterrent effect on the hustlers, although some just moved to the extended area alongside the Public Gardens. We believe that the deterrent effects of police patrols along the two homosexual strolls were strongly related to the generally negative community orientations to homosexuality in Halifax. They were also related to the fact that customers will not stop when they see the police. These findings may also be related to the

feelings expressed by the hustler who remarked that until now the males have not received that much police attention and would prefer that it remained that way.

There was a notable change in the general demeanour of prostitutes working the Hollis/Barrington Streets stroll over the course of the summer. During the first observation period in June, their demeanour was subdued, however, in August they were much more aggressive. This change appeared to reflect the fact that they were no longer being charged under the provisions of Bill C-49.

Hollis/Barrington

During Time One the maximum number of prostitutes observed at any one time was nine. During Time Two we observed 14 working at one time along this stroll. This represents a marked increase.

During Time One the women along Hollis/Barrington Streets appeared to work primarily alone or with one other woman. There was a significant change over the course of the summer as we noted groups of three to five women working together during Time Two.

Between Times One and Two, we also noted an increase in the nuisance factors associated with street prostitution along this stroll. For example, there was a greater aggressiveness shown by the women working this troll over the course of the summer. We also noted more examples of loud arguments and negotiations between prostitutes and customers.

The pimps were more visible during the second observation period than had been the case at the beginning of the summer. Finally, the flow of vehicular traffic along the stroll showed a marked increase over the course of the summer.

Gottingen

There was minimal activity along this stroll during both observation periods. We did not a small decrease in the number of women working at any one time over the course of the summer. During Time One we noted five women working at one time while during Time Two we never saw more than three women working at the same time. There were not any changes in the demeanour of the women working this stroll over the course of the summer. Neither were there any examples of the nuisance factors associated with street prostitution during either observation period.

The Triangle

There was a marked increase in the number and visibility of prostitution activities along this stroll over the course of the summer. During Time One we estimated the total number of males working this stroll to be five. During the second observation period, however, we noted at least 15 different males apparently working this stroll.

The marked increase which we observed may have been at least partly due to our having expanded the boundaries of the Triangle stroll between Times One and Two. Regardless, we still believe that the increase represents a significant change over the course of the summer.

Citadel Hill

We did not observe any changes in the number or visibility of prostitution activities along this stroll over the course of the summer. During both time periods our estimates for the number of males apparently working this stroll were five. We also did not observe any changes in the demeanour of the males working this stroll. In general, they could be characterised as very subdued.

4.1.4 Differences Between Pre- and Post-C-49 Observations

The 1984 study of prostitution in the Maritimes conducted by Nikita Crook provides some rough estimates of the numbers of prostitutes/hustlers working the four strolls prior to Bill C-49. We must note, however, that the methodologies used by Crook in 1984, and those used in the present study, are not equivalent. The field observations conducted in 1987 were much more systematic than those conducted in 1984, thus, the findings may not be comparable. Given this caveat, we present some interesting trends which appear to have evolved over time. Crook notes that:

> Opinions from police, taxi-drivers and local residents have been combined with the observations of our researchers to conclude that 50 female prostitutes work in this area [Hollis/Barrington Streets]. Of this total, 1/3 of the prostitutes work only part-time. In the summer months of 1983, as many as 35 prostitutes at once were observed working this area on different occasions (Crook, 1984, p.12)

As noted, during our street counts we observed a total of 31 females who worked the Hollis/Barrington Streets stroll at various times. The maximum number of women observed working this area at any one time was 14.[1] This represents a major difference from the findings/

---

[1] Informal counts conducted in January, 1988, indicate that there are still approximately 30 women working the streets with no more than 12 to 16 women working at any one time.

estimates reported by Crook.[1] We do note, however, that as knowledge of the fact that the law is not currently in force in Halifax continues to spread, the number and visibility of prostitutes may continue to increase along this stroll.

Crook's estimates for the numbers of prostitutes working the Gottingen Street area were not documented via field observation and street counts. Crook notes that:

> In-depth research did not occur in the Gottingen area due to its reputation for being excessively dangerous at night... Information sources were limited to interviews with police and area residents... Estimates made on the number of prostitutes working in this area ranged from 12-20. Many of these women work in front of the many bars and taverns, which are also frequented by pimps and bikers. (Crook, 1984, p.12)

Based on our observations of the Gottingen Street area, we would estimate that there are no more than eight females working the area and there may be as few as five. This represents a much smaller volume than the estimates provided by Crook, however, she did not actually conduct observations in this area. We also noted that the stroll is not located so much along Gottingen Street proper where there are a number of taverns and restaurants, as it is along a poorly lit street (Maitland) running parallel to, but behind, Gottingen Street.

Crook's estimates of the number of male hustlers working the Triangle were not based on street counts. Crook notes that:

---

[1] Again we note, however, that the comparability of findings is questionable.

> ...Halifax police recently estimated that only 3-5 males were working as prostitutes in this area, however, research findings based on discussions and interviews with male prostitutes conclude that the actual number of male prostitutes is at least four times as large as police estimates. (Crook, 1984, p.12)

Our observations and counts for the Triangle varied significantly between June and August. In June we only observed five different males who appeared to be working. This number conformed to police estimates both for 1984 and the present. In August, however, we observed at least 15 different males who appeared to be working. We had difficulties confirming this estimate, however, due to the unwillingness of the males to be interviewed.

If our estimates and those made by Crook in 1984 both represent accurate depictions of the numbers of male hustlers in the Triangle, then there has been little change in the numbers between 1984 and 1987 along this stroll. The major difference between the pre- and post-C-49 time periods is the expansion of this stroll to the area behind the Halifax Public Gardens.[1]

The final stroll, Citadel Hill, was observed during both the pre- and post-C-49 periods. Crook noted that the 1984 researchers had many of the same difficulties that we encountered determining the status of many of the males observed on Citadel Hill (i.e., prostitute or cruising). Crook noted:

---

[1] The extension of the Triangle runs along Sackville Street from South Park to Summer Streets and along Summer Street between Sackville Street and Spring Garden Road. These streets surround the Halifax Public Gardens.

> ...As with the "Triangle" it is difficult to access (sic) the exact number of male prostitutes because several men go to this area for free homosexual involvements as well as for paid sexual encounters. On several evenings researchers recorded four to eight males on foot after midnight and working as prostitutes. (Crook, 1984, p.13)

Our observations of Citadel Hill varied significantly between June and August. We are not overly confident with the estimates derived from the Time One (June) observations, however, we feel quite confident with our Time Two observations. During the second observation period, we noted eight different males whose demeanour and actions appeared to be unambiguously related to prostitution. Of these eight males, two were juveniles. These numbers are completely in line with estimates made by Crook based on observations in 1984 indicating there has been little if any change as a result of Bill C-49.

4.2 Profile of Persons Engaged in Prostitution

In this section we provide a profile of persons engaged in prostitution in Halifax. Two data sources have been utilised: (i) police and Crown files providing quantitative data; and (ii) interviews with prostitutes providing qualitative data.

Two profiles have been constructed in order to provide a more comprehensive portrait of persons engaged in prostitution in Halifax, as well as to provide a means of verifying information collected from each of the data sources. The qualitative data represents the views, impressions and opinions of persons currently engaged in prostitution activities. In contrast, the quantitative data profiles those persons engaged in prostitution activities who were processed through the Criminal Justice System. The

qualitative profile presents a broader context within which the characteristics derived from the quantitative data can be understood. The qualitative data also provide a variety of information which would not have been available if we had relied solely on the quantitative arrest data. Similarly, the quantitative data provide reliable, generalisable information which would not have been available if we had relied solely on the qualitative interview data.

In section 4.2.3 of this chapter, we contrast the qualitative profile derived from the interviews conducted with persons engaged in street prostitution with the findings from the 1984 study completed by Nikita Crook. This provides a sound basis for determining the nature and significance of any changes in the composition and sociodemographic characteristics of persons engaged in street prostitution since Bill C-49 was implemented.

4.2.1 Quantitative Profile of Persons Engaged in Prostitution[1]

Exhibit 4.4 presents selected sociodemographic characteristics of the 81 prostitutes arrested under s.195.1 between December, 1985 and May, 1987.[2] Broken down by gender, one can see that the vast majority of the prostitutes (85 per cent or 69 prostitutes) arrested in Halifax were female. This number far exceeds the number of

---

1 This profile is derived from the police and Crown files for cases involving prostitutes.

2 In total, there were 116 charges laid under s.195.1 against 81 different prostitutes in Halifax. The quantitative profile presented throughout this section is based on the arrest reports and Crown/Court records for these 81 prostitutes.

females currently working the streets in Halifax, indicating that there has been some movement off the streets or out of the city. Conversely, only 12 male prostitutes were arrested (15 per cent of the total number of prostitutes arrested in Halifax), which represents a significantly smaller number than the total number of males believed to be prostitutes observed along the two homosexual strolls in Halifax over the course of the summer.

Age

By age, approximately ten per cent of the prostitutes arrested in Halifax were juveniles (eight females between 16 to 17 years of age), while over half of the prostitutes arrested were 18 to 24 years of age, and one quarter were 25 to 34 years of age. Of the remaining five prostitutes, two were over 35 years of age and three did not provide their age at the time of arrest, however, we know they were at least 18 years of age because their cases were tried in Provincial (adult) court.

Race/Ethnicity

Race/ethnicity was only specified in the arrest reports for 23 prostitutes. This was not particularly surprising given that there are no legal requirements for specifying racial/ethnic origins. In fact, maintaining detailed records concerning the racial origins of those who were arrested could potentially leave the police open to accusations of racism. This is especially true in an area such as Halifax where there has traditionally been a strong undercurrent of racial tensions. The vast majority of cases where race/ethnicity was not specified probably involved Caucasian prostitutes. We believe this to be true because

we only observed approximately ten black prostitutes in Halifax over the course of the summer.

EXHIBIT 4.4.A
Selected Sociodemographic Characteristics of Prostitutes Arrested in Halifax

Gender	Number	Percentage
Male	12	15
Female	69	85
Total	81	100
Age at Time of Arrest		
16 - 17	8	10
18 - 24	48	59
25 - 34	20	25
35 and over	2	2
Unknown*	3	4
Total	81	100
Race		
Caucasian	13	16
Black	10	12
Unspecified	58	72
Total	81	100

* Adult but age unknown

Employment Status

The overwhelming majority of prostitutes arrested in Halifax were not employed. Only two prostitutes were listed as employed at the time of arrest and three were recorded as students. In one fifth of the cases, employment status was not specified. The degree to which this data (self-reported at the time of arrest) are true remains open to question. It is highly unlikely (and understandable) that known prostitutes would want the police to be aware of any other occupations in which they may be employed.

EXHIBIT 4.4.B
Selected Sociodemographic Characteristics of Prostitutes Arrested in Halifax

	Number	Percentage
Employment Status		
Not employed	60	74
Employed	2	2
Student	3	4
Unspecified	16	20
Total	81	100
Marital Status		
Single	69	85
Married or common law	3	4
Unspecified	9	11
Total	81	100

Marital Status

The final sociodemographic characteristic which we captured from police and Crown files concerned marital status. The vast majority of prostitutes reported they were single at the time of arrest. Only three prostitutes claimed to be married or living in a common law relationship, while nine prostitutes did not specify marital status. Again we find these data to be highly suspect. It is extremely unlikely that a prostitute would tell the police they were married or common law given the provisions of the Criminal Code regarding living off the avails of prostitution.

Sociodemographic Variations in the Number of Arrests

Exhibit 4.5 breaks down the number of times prostitutes were arrested in Halifax under the provisions of

C-49 by selected sociodemographic characteristics. All but one of the male prostitutes were arrested only once. In contrast over one third of the female prostitutes were arrested more than once; 20 were arrested twice and seven were arrested three times.

Age

In terms of age, three of the eight juveniles were arrested twice, while the remaining five were arrested once. Almost one third of the prostitutes 18 to 24 years of age were arrested more than once; eight were arrested twice and six were arrested three times. The remaining 34 prostitutes in this age grouping were only arrested once. One half of the prostitutes between 25 and 34 years of age were arrested twice, while one was arrested three times. The remaining nine prostitutes 25 to 34 years of age were arrested only once. The two prostitutes over 35 years of age and the three prostitutes of unknown age were each only arrested once.

Race/Ethnicity

Although only a limited number of cases reported race/ethnicity, it is interesting to note that the racial origins/ethnicity of the prostitutes did not apparently have a significant impact on the number of times they were arrested. Given the fact that race/ethnicity was not specified in 72 per cent of the arrest reports, however, we can not generalise this finding to the entire population of prostitutes arrested in Halifax.

EXHIBIT 4.5.A
Number of Times Arrested in Halifax by Selected Sociodemographic Characteristics

	One	Two	Three	Total
Gender				
Male	11	1	-	12
Female	42	20	7	69
Total	53	21	7	81
Age of Time of Arrest				
16 - 17	5	3	-	8
18 - 24	33	8	6	47
25 - 34	9	10	1	20
35 and over	3	-	-	3
Unknown	3	-	-	3
Total	53	21	7	81
Race				
Caucasian	7	5	1	13
Black	6	3	1	10
Unspecified	40	13	5	58
Total	53	21	7	81

Employment Status

Only two prostitutes reported being employed at the time of the arrest. Both of these women were arrested twice. The three prostitutes who were recorded as students were each arrested once. Two thirds of the prostitutes who reported they were not employed were arrested once. Thirteen prostitutes who indicated they were not employed were arrested twice, while the remaining five unemployed prostitutes were arrested three times. Of the remaining 16 prostitutes, half were arrested only once, six were arrested twice and two were arrested three times.

EXHIBIT 4.5.B
Number of Times Arrested in Halifax by Selected Sociodemographic Characteristics

Employment Status	One	Two	Three	Total
Not employed	42	13	5	60
Employed	-	2	-	2
Student	3	-	-	3
Unspecified	8	6	2	16
Total	53	21	7	81
Marital Status				
Single	49	16	4	69
Married or common law	-	-	3	3
Unspecified	4	5	-	9
Total	53	21	7	81

Marital Status

On an intuitive level, one would not expect marital status to affect rates of arrest, however, it is interesting to note that the three prostitutes who indicated they were married or living in a common law relationship were each arrested three times. In contrast, the vast majority (49 prostitutes) who indicated they were single were arrested only once. Less than one third of the (self-reported) single prostitutes were arrested more than once in Halifax; 16 were arrested twice and four were arrested three times. These numbers are quite small making it difficult to determine whether or not these findings represent a clear trend in the relationship between marital status and rates of arrest. Nine prostitutes did not specify marital status. Of these, four were arrested only once, while the remaining five were each arrested twice.

EXHIBIT 4.6
Prior Record by Type of Charge

	Number	Percentage*
Communicating for the purposes of prostitution	32	39.5
Other prostitution	4	5.0
Offenses against the person	10	12.0
Property offenses	42	52.0
Offenses against the public order	16	20.0
Offenses against the administration of justice	12	15.0
No known prior record at time of arrest	26	32.0

Base = 81

* Cumulative percentages do not total 100 per cent as some prostitutes had prior criminal records in more than one category. All percentages are calculated from the base number of 81 prostitutes.

Prior Record

Exhibit 4.6 presents the prior records documented in the occurrence reports and Crown files for the prostitutes arrested in Halifax. It is not clear, however, whether or not this information is comprehensive or particularly accurate. The fact that someone accused of a summary offence is not fingerprinted could make it very difficult to check for prior arrests or convictions. Information derived from the files indicates that 32 prostitutes (about 40 per cent) had prior records for communicating for the purposes of prostitution. Twenty-eight of these individuals were arrested more than once in Halifax under the current provisions of S.195.1 between

December, 1985 and May, 1987. No information regarding prior convictions for soliciting was found in the files.

Over one half (52 per cent) of the prostitutes had prior criminal records documented for various property offenses. Approximately one third of the prostitutes had no known prior records at the time of their arrest or court hearing. Thus, according to official records, 55 of the 81 prostitutes (68 per cent) arrested in Halifax had prior criminal records.

4.2.2 Qualitative Profile of Persons Engaged in Prostitution[1]

Our field observation component noted at least 31 different females working the Hollis/Barrington Streets stroll. The researcher who conducted all of the interviews with persons engaged in prostitution approached 30 females and obtained interviews with 23 of them[2]. The researcher did not, however, have similar success gaining access to male prostitutes or prostitutes working primarily for escort agencies, completing only one interview with a male prostitute and one interview with an escort (female).[3] It is interesting to note that the escort had left the street because she had been arrested three times since Bill C-49 had been implemented.

---

1 This profile is derived from the 25 interviews conducted with prostitutes in Halifax.

2 One of the females was a transsexual.

3 Given our lack of success obtaining interviews with male hustlers and off street prostitutes, we cannot discuss these two groups.

Exhibits 4.7 and 4.8 present selected sociodemographic characteristics as reported by respondents engaged in prostitution. The vast majority (23 of 25) of respondents were over 18 years of age. One of the two juvenile females interviewed was being pimped by an adult (female) prostitute. The adult prostitute was using the juvenile to fulfill her own quota for her male pimp.

EXHIBIT 4.7
Gender, Age and Marital Status of Respondents

	Number	Percentage
Sex		
Female	23	92
Transsexual	1	4
Male	1	4
Total	25	100
Age		
Juvenile (under 18)	2	8
Adult	23	92
Total	25	100

Marital Status	Yes	No	Total
Married at least once	21	4	25
Currently married	12	9	21
Have children	15	10	25
Live alone	9	16	25

Marital Status

The majority (21 of 25) of the respondents had been married at least once. More than one half (12 of 21) of the respondents indicated they were currently married. This finding contradicts the data collected from the police and Crown files which indicated that only three prostitutes were married at the time of arrest. As noted in the previous section given the current provisions in the

Criminal Code dealing with living off the avails of prostitution, it is unlikely that offenders would accurately identify their marital status at the time of arrest.

Approximately two thirds (15 of 25) of the respondents related that they had children. About one third (nine of 25) noted they lived alone. Of the respondents who did not live alone, three quarters (12 of 16) lived with a spouse, while three of the remaining respondents noted they lived with another prostitute and one indicated he lived with relatives. These findings also suggest that the respondents are in a position where they cannot afford to leave the streets.

EXHIBIT 4.8
Educational Attainment and Place of Birth of Respondents

Educational Attainment	Number	Percentage
Less than grade nine	6	24
Attended high school	11	44
High school graduate	5	20
Attended university	3	12
Total	25	100
Place of Birth		
Halifax and surrounding areas (25 miles radius)	16	64
Other areas in the Maritimes	4	16
Toronto	2	8
Urban U.S.A. (e.g., Boston, Los Angeles)	2	8
Caribbean	1	4
Total	25	100

Educational Attainment

The vast majority of street prostitutes reported very low levels of educational attainment. Two thirds (17

of 25) of the respondents had not finished high school. Twenty per cent (five of 25) completed high school, while the remaining three respondents were currently enrolled in university.

Place of Birth

The majority of the respondents (16 of 25) were born either in Halifax or within 25 miles of the city. Four respondents were from other areas within the Maritime provinces. Two respondents were born in Toronto, while two were born in the United States and one was born in the Caribbean.

Sources of Income

For the majority of street prostitutes, their income from the streets is the primary, if not only, source of livelihood. Two thirds of the respondents (17 of 25) indicated that prostitution was their only source of employment. The remainder of the respondents related that they had other jobs in the sales, clerical, service and domestic service sectors.

Contacts with the Police

Exhibit 4.9 displays self-reported contacts with the police. All but three of the respondents had been arrested at least once in their lives. The vast majority (80 per cent) of respondents had been arrested at least once for prostitution, soliciting or communicating. Approximately two thirds (60 per cent) had been arrested under the provisions of Bill C-49, while one third had been arrested prior to the implementation of Bill C-49.

There appears to have been a small increase in the likelihood of being arrested since Bill C-49 was

implemented. The (mean) average number of pre-C-49 prostitution arrests reported by respondents was 3.9 (median of two) arrests. The (mean) average number of prostitution arrests since C-49 reported by respondents was 4.5 (median of two) arrests.

EXHIBIT 4.9.A
Contact with Police

Arrest Record	Yes	No	Total
Prostitution Offenses			
Prostitution, Soliciting or Communicating (pre- or post C-49)	20	5	25
Prostitution or Soliciting (pre-C-49)	9	16	25
Communicating (post C-49)	15	10	25
Other Offenses			
Property Offenses	10	15	25
Offenses against the person	5	20	25
Offenses against the public order	5	20	25
Offenses against the administration of justice	5	23	25
Mean number of prostitution arrests before C-49:		3.9 arrests	
Median number of prostitution arrests before C-49:		2 arrests	
Mean number of prostitution arrests since C-49:		4.5 arrests	
Median number of prostitution arrests since C-49:		2 arrests	

One half of the respondents had been arrested for a variety of other, non-prostitution offenses. For examples, ten respondents had been arrested for various property offenses such as trespass, theft, fraud, etc..

Five respondents had been arrested for various offenses against the person such as assault. Similarly, five respondents had been arrested for offenses against the public order; primarily disturbing the peace. Two respondents remarked that they had been arrested for offenses against the administration of justice (e.g., resisting arrest).

EXHIBIT 4.9.B
Other Reported Contacts with Police

	Yes	No	Total*
Picked up without charges	11	13	24
Hassled when not working	3	21	24
Picture taken	13	11	24
Asked for identification	17	7	24

* One respondent refused to answer these questions.

The degree to which other, less formal, contacts with the police were reported by the respondents varied widely. Three quarters (17 of 24) of the respondents had been asked by Halifax police for identification while working. Approximately one half (11 of 24) had been picked up while working by Halifax police without charges having been laid. Similarly, 12 respondents related that they had been generally hassled or harassed by police while working. Only three respondents related that they had been hassled by Halifax police when they were not working. Keeping in mind that these are self-reported contacts with the police, these findings indicate that Halifax police are very likely to use a variety of means to keep the prostitutes off the street but at the same time they are unlikely to interfere with prostitutes in their non-work (i.e., off-street) related activities.

Sociodemographic Barriers

Overall, the sociodemographic profile of persons engaged in prostitution which we have presented suggests that the vast majority of prostitutes in Halifax have few if any options to their present lifestyles. The levels of educational attainment preclude the possibility of obtaining steady employment which offers a large enough salary to support a household of two or more persons.[1]

Those respondents who had other sources of employment income were holding down relatively low-paying service sector jobs. The fact that the majority of prostitutes now have criminal records will not aid in securing other forms of employment which offer an income beyond the subsistence level.

These findings would suggest that there are a number of barriers impeding the success of the law. For example, our findings suggest that there is an absence of viable alternatives for persons engaged in prostitution in Halifax. Without such alternatives, the probability of the law achieving intended effects (i.e., elimination of street prostitution) is certainly constrained. In order to provide viable alternatives, adequate resources would need to be provided for the development of relevant social, educational and employment training programs specifically designed for persons engaged in prostitution activities.

4.2.3 Changes Since 1984

Exhibit 4.10 presents a comparison of socio-demographic data collected in 1984 with the data collected

---

[1] Almost two thirds of the women we interviewed had at least one child to support. One half may also have been supporting a spouse.

in the present study.[1] Given the difficulties we had obtaining interviews with male hustlers working in Halifax and the fact that police concentrated their enforcement of C-49 along the major heterosexual stroll, it is pointless to attempt to draw comparisons between 1984 and the present concerning gender breakdowns of prostitutes working in Halifax.

Age

In 1984, the vast majority (79 per cent) of prostitutes interviewed were between 18 and 24 years of age, while 17 per cent were 25 to 34 and only two per cent were over 35.[2] Comparable data collected in 1987 from police files found that only 59 per cent of prostitutes arrested in Halifax were between 18 and 24, while 25 per cent were between 25 and 34 years of age.

Marital Status

In 1984, less than one quarter (23.5 per cent) of the females interviewed were, or had at one time been, married. Data collected from interviews with prostitutes in 1987 indicated that 89 per cent of the prostitutes had either been married or common law at least once. We also found that approximately one half (48 per cent) were married at the time of the interview. In 1984, two thirds of the

---

1 The data are not completely comparable as different categories were used for the two studies. Where possible, comparable categories have been established.

2 Crook, op.cit., p.16.

EXHIBIT 4.10
Comparison of 1984 and 1987 Samples of Persons Engaged in Prostitution[1]

	1984	1987
Age[2]		
16 - 17	2%	10%
18 - 24	79%	59%
25 - 34	17%	25%
35 and over	2%	6%
	100%	100%
Marital Status		
Married at least once	23.5%	89%
Currently married	(not asked)	48%
Dependents		
No children	67%	40%
At least one child	33%	60%
	100%	100%
Educational Attainment		
Less than high school diploma	85%	68%
High school diploma	8%	20%
Attend(ed) university	2%	12%
No answer	5%	-
	100%	100%
Place of Birth		
Maritimes	82%	80%
Other areas of Canada	12%	8%
Outside of Canada	6%	12%
	100%	100%
Employment		
Prostitution only	68%	68%
Service Sector Employment	19%	32%
No answer	13%	-
	100%	100%

---

1 The 1984 sample data are derived from interviews with prostitutes throughout the Maritimes. All data are presented as percentages due to the unequal sample sizes in 1984 and 1987. The 1987 data are derived primarily from the qualitative profile (i.e., interviews with prostitutes).

2 The 1987 information in this category is derived from the quantitative police arrest report data.

respondents had no children while one third had at least one child. In contrast, 60 per cent of the respondents in 1987 indicated they had at least one child. These changes in the age breakdowns, marital status and the number of dependent children indicate that there have been important changes in the sociodemographic profile of persons engaged in prostitution between 1984 and 1987, which could have a strong bearing on the successful achievement of legislative objectives (i.e., the elimination of street prostitution). As noted in the previous section, the profile of street prostitutes in Halifax suggests that there are very serious impediments to the achievement of the intended effects of Bill C-49.

Educational Attainment

Since 1984, there has been a small improvement in the levels of educational attainment reported by street prostitutes. The vast majority (85 per cent) of respondents in 1984 had not completed high school. Only about eight per cent had completed high school and two per cent had attended college or university. In 1987, we found that two thirds (68 per cent) of the respondents had not completed high school, while 20 per cent were high school graduates and 12 per cent had attended university.

Other Employment

There has also been a slight increase in the proportion of street prostitutes who reported other sources of employment income. However, the types of other jobs have not changed since 1984. In 1984, two thirds (68 per cent) of the respondents were not employed in jobs other than prostitution at the time of the interviews. Approximately one fifth (19 per cent) were employed in a variety of blue

collar and service sector jobs. In 1987, we found that one third (32 per cent) of the respondents had employment other than prostitution. These included sales, clerical, service and domestic service jobs.

Place of Birth

There has been virtually no change in the reported place of birth since 1984. In 1984, the vast majority (94 per cent) of respondents were born in Canada. Approximately 82 per cent were born in the Maritimes. We found that 88 per cent of respondents in 1987 were born in Canada (80 per cent in the Maritimes). Both sets of observations indicate that prostitutes working in the Maritimes primarily tend to be from this region.

Criminal Record

In 1984, approximately 62 per cent of the respondents indicated they had criminal records. Only 19 per cent stated they had been charged with prostitution related offenses. During the interviews conducted in 1987, we found that 36 per cent of respondents had been arrested for prostitution related offenses prior to Bill C-49 and that 60 per cent had been arrested for communicating in public for the purposes of prostitution.

Approximately one third (34 per cent) of the respondents in 1984 stated that they did not have any problems in their contacts with the police. One quarter (27 per cent) reported "minor hassles" with the police, while 13 per cent indicated they avoided the police as much as possible and two per cent shared information with police. In contrast, approximately three quarters (71 per cent) of the respondents in 1987 related that they had been hassled to some degree (e.g., asked for identification, picked up

without charges, etc.). These findings would indicate that police are maintaining a much higher profile presence on the streets and this may break down any trust which had developed between people involved in the street scene and the police.[1]

4.3 Profile of Business Practices in the Street Trade

In this section, we profile the business practices of street prostitutes working in Halifax. The purpose of this exercise is twofold: (i) to contextualise the discussions/perceptions regarding the impacts of Bill C-49; and (ii) to document any changes in the street scene since 1984 and thus ascertain the linkages between any changes and the introduction of Bill C-49.

4.3.1 The Street Scene in 1987

The overwhelming majority (24 of 25) of the respondents practice their trade primarily on the streets. One respondent usually works out of an escort agency and occasionally works the streets.

Twenty respondents related that they usually work a specific street or corner. The prime locations were along Hollis street behind the Lieutenant Governor's residence and along Cornwallis Park. Not surprisingly, the prostitutes tended to be quite territorial which occasionally led to physical confrontations.

The majority (20 of 25) of the respondents indicated they had regular customers. Estimates as to the

---

[1] We do not, however, have any clear evidence that any relationship of trust had developed between prostitutes and members of the police in Halifax prior to the implementation of Bill C-49.

numbers of customers ranged from one to 60 regulars. The (mean) average number of regular customers (for the 20 valid cases) was 11.68 (median of seven).

Status and Working Relationships

Exhibit 4.11 presents the status and working relationships of the respondents. Our sample of respondents has been working the streets for a fairly long period of time.[1] The academic literature suggests that prostitution is a very short-lived career, however, our sample clearly has been involved in the scene for fairly long periods of time. This may represent a significant regional variation in the practice of prostitution in Canada.[2]

Approximately one half (13 of 25) of the respondents worked full-time (five or more days per week) as prostitutes, while six respondents worked part-time (two to four days per week) and four respondents only worked occasionally (less than two days per week). The remaining two respondents recently retired from the business.

Involvement of Pimps

Almost three quarters (18 of 25) of the respondents had at one time or another worked for a pimp. One half (nine of 18) related that they currently worked for

---

1 The (mean) average number of years working the streets was four and one quarter years (median of 4.5 years) of which an (mean) average of two and two thirds years had been spent in Halifax (median of two years).

2 The lack of employment opportunities may be the best explanation for why the persons engaged in prostitution in Halifax remain on the streets for relatively long periods of time.

EXHIBIT 4.11
Status of Working Relationships

	Number	Percentage
Status as a Prostitute		
Work full-time (5 or more days/week)	13	52
Work part-time (2 - 4 days a week	6	24
Work occasionally	4	16
Retired	2	8
Total	25	100
Relationships with Other Prostitutes		
Get along okay	9	36
Watch out for each other	10	40
Don't get along	3	12
Compete for tricks	3	12
Total	25	100
Other work / Employment		
Sales	3	12
Clerical	1	4
Service	1	4
Domestic	2	8
Unspecified	1	4
Only work as a Prostitute	17	68
Total	25	100

	Yes	No	Total
Work with a Pimp			
Worked at least temporarily for a pimp	18	7	25
Currently work for a pimp	9	9	18
Use intermediaries (e.g., cabbies, hotel clerks)	14	11	25

a pimp. It was interesting, however, that when we asked respondents about other prostitutes, the majority indicated that 90 per cent of the women on the street work for pimps. Sixteen respondents stated that most of the women on the streets worked for pimps, but that the male hustlers did not. We found this perception to be interesting as only nine of the 18 respondents who indicated that they had worked for a pimp at some point in their life related that they currently worked for a pimp.

Relationships with Other Prostitutes

The vast majority of respondents indicated that, in general, relations between prostitutes on the street were amiable. About three quarters (19 to 25) of the respondents described their relationships with other prostitutes on the street as cooperative or good, while the remaining six respondents either did not get along with the other prostitutes or viewed them as competitors for available business.

Intermediaries

Approximately one half of the respondents stated that they relied on intermediaries such as cab drivers, hotel clerks and bartenders for making contacts with customers.

Location of Tricks

The vast majority of respondents usually turn their tricks in vehicles, while about one fifth noted that they usually turn tricks in the client's hotel room or apartment. Seventeen respondents who usually turn tricks in vehicles noted that they also turn tricks in hotel rooms. A small minority of respondents related that they occasionally

turn tricks in alleyways and parking lots when the customers do not have vehicles or hotel rooms.

Services and Prices

According to the respondents, the most often requested services by johns are oral sex and genital intercourse. The going rate for the former in Halifax is $40 and $60 for the latter. In general, respondents related that the prices for services had risen by $10 across the board over the past three years, while the hourly rate had risen by $20 to an average of $120.

The average number of tricks turned per day ranged from one to 12 with an (mean) average of 4.85 (median of four) tricks. The number of tricks per week ranged from five to 72 with an (mean) average of 28.75 (median of 23) tricks.

Sexually Transmitted Diseases

We asked respondents whether or not they believed AIDS had affected their business. About one half related that AIDS had affected the number of tricks they turned. One third noted that customers seemed to have been scared off by the AIDS hysteria. We did find it surprising and distressing that only 12 of the prostitutes indicated they required the use of condoms by customers in order to protect themselves. Five of these prostitutes also related that for an extra fee they would forego the use of condoms. One women related that she did not perform genital intercourse with customers anymore.

Relations with the Community

We also asked respondents whether they had ever been hassled by people living near the places they usually

worked. One half (13 of 25) indicated that they had been hassled, however three respondents noted that the incidents had occurred in other areas of Canada. Ten of the respondents related that they had been hassled or harassed by local residents who had formed the Downtown Halifax Resident's Association.

Approximately one quarter (seven) of the respondents also related that they had been hassled or harassed by local businesses in the areas where they usually worked. Three respondents noted these incidents did not occur in Halifax, while the remaining four related that employees from the Hotel Nova Scotia[1] and the owner of a convenience store located along the stroll had harassed them on numerous occasions.

Safety in the Streets

Respondents were asked in general how safe they felt working the streets. Less than one half indicated they felt safe at work. Approximately one third related that threats of violence were common occurrences. The male respondent noted that he always had to be on guard against "fag bashers", especially on weekends.

Over half of the respondents related that various types of assaults and violence were part of the job. For example, two respondents related experiences when they had been sexually assaulted at knife point by customers. Another respondent who had been beaten by a customer had been injured badly enough to need hospitalization. Two other respondents had been stabbed by customers and a third had been robbed.

---

[1] The Hotel Nova Scotia is a CN hotel located right on the stroll (Hollis Street across from Cornwallis Park).

In addition to the potential for violence from customers, there are always threats of violence from other key players in the street scene. For examples, three respondents related they had been beaten by their pimps on numerous occasions. Another had been beaten by the female "enforcer" who patrols the stroll. Two respondents related that they had been beaten by other prostitutes for "undercharging".

It is interesting to note that 11 of the respondents (44 per cent) perceived the police as the best place to go if in danger of violence or assault. One fifth related that their pimp (or boyfriend) was the place they would go in cases of violence, while four respondents indicated they would go to the women's shelter or the sexual assault centre. It was distressing that one fifth of the respondents felt they had nowhere they could go in cases of violence or assault.

Security Measures

We also asked respondents how they protected themselves while working. Exhibit 4.12 displays the most frequent responses. Sixteen of the respondents stated they carried weapons while working. We found this interesting as none of the police occurrence reports for prostitutes arrested between December, 1985 and May, 1987 noted any concurrent weapons offenses.

EXHIBIT 4.12
Security Measures Used by Respondents

	Number	Percentages
Weapons (knives, knuckles, etc.)	16	64
Self defence training	4	16
Reject some tricks	7	28
Never work alone	7	28
Rely on bodyguard/spotter	2	8

A small minority of respondents related that they had received martial arts training and relied on their training for self-defense. Two respondents stated that they relied on their spotters/bodyguards for protection while working.

Approximately one quarter of the respondents stated that they reject any tricks that give them a "bad feeling". Similarly, one quarter of the respondents related that they never worked alone. By working in groups they felt safer as friends/co-workers kept track of the vehicles and license plate numbers of tricks. The vast majority of the respondents also related that they used an informal "Bad Trick Sheet" as a means of protecting themselves.

4.3.2 Changes in the Street Scene Since 1984

The 1984 pilot study noted that 89 per cent of the sample of prostitutes had started their careers working in the streets. Approximately two thirds (68 per cent) had also worked in other types of prostitution (e.g., escort services, massage parlours and bars) (Crook, 1984, p.28). This conforms closely to the findings of the current study.

Changes in Regular Customers

The proportion of respondents who indicated having regular customers in 1984 was almost exactly the same as during the present study (76 and 80 per cent, respectively). Since 1984, there has been an increase in the average number of regular customers reported by prostitutes. In 1984, the average number of regulars was reported as 8.5 customers (See Crook, 1984, p.36), whereas the current study found a mean average of 11.7 (and a median average of seven customers).

Changes in the Involvement of Pimps

The proportion of female prostitutes who had at one time or another worked for a pimp showed a marked increase in 1987 over the results of the 1984 pilot study (72 and 62 per cent respectively). The 1984 pilot study did not report on the number of prostitutes who still worked for pimps. This type of data, however, should not be taken at face value given the tendency to underreport involvement with pimps.

Changes in Location of Tricks

Approximately two thirds (64 per cent) of the prostitutes in 1984 stated that the usual location where tricks were turned was the customer's vehicle (see Crook, 1984, p.36). The current study found that 20 (80 per cent) of prostitutes usually turned tricks in customer's vehicles. Given this finding, we can tentatively conclude that the provision of Bill C-49 which explicitly defines automobiles as public places has had virtually no impact on the practices of street prostitutes in Halifax. This is quite interesting as it was expected that the new legislation would significantly alter the incidence of street prostitution practiced in automobiles. Approximately the same proportion of respondents in 1987 reported usually turning tricks in customer's hotel rooms as did respondents in 1984 (20 and 17 per cent, respectively). This finding is also interesting in that it was expected that the new legislation would displace prostitution activities from the street to more discrete indoor locations. Evidently this has not been the case.

Changes in Services

More than half (57 per cent) of the prostitutes interviewed in 1984 related that oral sex was the most frequently requested service. In the current study, a much greater proportion of respondents (80 per cent) reported the same trend. About one fifth (19 per cent) of the respondents in 1984 reported genital intercourse as the next most frequently requested service compared with one third (32 per cent) of the prostitutes interviewed in 1987. The degree to which these differences reflect changing patterns, however, is unclear. It is just as plausible that these findings could reflect sampling biases.

The average number of tricks turned per day by female street prostitutes ranged from five to five and one half in 1984. The prostitutes interviewed in 1987 turned a mean average of 4.85 (median of four) tricks per night. If both sets of figures are reliable, then it would appear that the average volume of business per prostitute has declined since 1984.

Changes in Levels of Violence

A slightly greater proportion of prostitutes interviewed in 1984 related experiences where they had been physically (or sexually) assaulted while working, than did respondents interviewed in 1987 (64 and 56 per cent respectively). Various groups opposed to the legislation had claimed that Bill C-49 would put prostitutes in greater danger of violence from customers, however, these findings do not support such a position.

4.3.3 Changes in the Street Scene Attributed to Bill C-49

In this section we explore the perceptions of persons engaged in prostitution regarding changes in the street scene that have resulted from the implementation of Bill C-49.

Location of Tricks

We began by asking respondents if there had been any changes in the locations where they take their clients since Bill C-49 was passed. The majority said no. In fact, only six respondents indicated that there had been changes. Four respondents related that they used to turn tricks in cars, but had moved indoors to hotels or the johns' apartments in order to avoid the police. A fifth respondent, however, remarked that while a lot of women were moving indoors to turn tricks, the hotels were beginning to crack down, especially with black women. The sixth respondent had started a small escort service as a result of the law.

Customers

Over one half (14 of 25) of the respondents stated that their numbers of regular customers had changed since Bill C-49 was implemented. Four respondents said that they had more customers, while eight respondents indicated the number of regulars had decreased and two respondents stated that the number of regulars had fluctuated downward at first, then back up more recently (i.e., since the Nova Scotia Court of Appeal decision overturned part of the law in Halifax).

Involvement of Pimps

Next we asked respondents whether they had noticed any changes in the number of women working the streets for pimps or with other people since Bill C-49 was implemented. In general, there was a lack of agreement on this issue. Only about one quarter of the respondents believed there was a greater reliance on pimps because of the new law. In contrast, one fifth believed that more women were working independently now than before the law.[1] We also asked the respondents whether the law had affected the extent to which prostitutes work in groups. Only three respondents noted that more women were working together as a result of the law. These respondents related that they began this practice because the police only used one female decoy at a time, thus, if there were two women working together the customers would know they were "legitimate".

Intermediaries

We also asked respondents whether or not their reliance on intermediaries had changed since Bill C-49 was passed. The vast majority said that the law had had no effect on their reliance on intermediaries. One respondent indicated she used hotel clerks more often since the law was implemented, while one respondent remarked that more customers used cab drivers as intermediaries in order to avoid direct communication. Another respondent, however, remarked that cab drivers were no longer as willing as

---

[1] This may, however, be related to the fact that (i) the Hell's Angels had been taken off the streets just prior to the new law, and (ii) a major pimp had been arrested around December, 1985. Both the Hell's Angels and the pimp were major players in the street prostitution scene prior to the new law.

before to act as intermediaries because they were afraid of being charged. Similarly, a fourth respondent remarked that hotel clerks were afraid of getting busted since the law was passed and therefore were less willing to act as intermediaries.

Safety on the Streets

Respondents were asked whether they believed it was safer or more dangerous to work the streets since Bill C-49 was passed. There was not a general pattern in the perceptions of the impacts of the law on the safety of the streets. Less than one half (11 of 25 respondents) believed that the law had no impact on the overall safety of working the streets. Four respondents actually felt it was safer on the streets since Bill C-49 was passed, while nine respondents believed it was more dangerous.

Eight of the nine respondents who felt it was more dangerous since C-49 was passed remarked that there was more violence from customers. Two respondents remarked that customers knew that the women would not go to the police so they were more prone towards violence. Three respondents remarked that the regular people were scared off by the new law but that the "sickos" were still coming out. The ninth respondent said that she was being beaten more by her pimp because she was not making as much money since Bill C-49 was passed.

Of the four respondents who thought it was safer, three said it was because the women were more streetwise since the law was passed (e.g., watching out for each other, etc.). The fourth respondent remarked that it was safer because there were more police in the area since the law was changed.

Difficulty Working

We also asked whether the new law had made it more or less difficult to work the streets. Three quarters of the respondents said that it was more difficult to work the streets as a result of Bill C-49. Only one respondent believed it was less difficult to work, while six respondents did not think the law had made any difference and 18 respondents found it more difficult to work the streets. The primary reasons respondents found it more difficult to work the streets were that the police were hassling them more and they always had to be on the lookout for male decoys. A small minority of respondents related that it was more difficult because the customers were afraid of being busted.

Changes in Sociodemographic Characteristics

Respondents were asked whether they had noticed any changes in the age, sex or types of activities of prostitutes working the streets since Bill C-49 was passed. Sixteen respondents indicated that there had been various changes. For example, nine respondents remarked that a greater volume of younger females were on the streets. In contrast, three felt that, in general, women on the streets were older since the law had been passed. An interesting perception was elicited from two respondents who felt that younger girls (under 16) were being chased off the streets by the other women and that this would not have happened two or three years ago. The implication was that keeping the younger girls off the street lessened the overall police presence on the streets. Two other respondents remarked that there were more transvestites and/or transsexuals on the streets than there had been before the new law, although no reasons were given for this change.

EXHIBIT 4.13
Perceived Changes in the Street Scene
Since December, 1985*

	Increased	Remained Same	Decreased	Total
Number of Customers	10	4	7	21
Number of Street Prostitutes	14	2	9	25
Number of Tricks Turned/Week	4	15	4	23
Income from Street Prostitution	10	9	6	25
Number of Escort Services	10	3	3	16
Number of Message Parlours	5	5	2	12
Number of Prostitutes Working Indoors Rather than the Streets	10	7	1	18

* Respondents were asked these questions in late July, approximately two months after the Nova Scotia Court of Appeal had overturned the law. Thus, some trends may reflect the altered status of the law rather than the effects of C-49 on the street scene.

Perceived Changes in Street Scene

Respondents were asked a number of questions regarding their perceptions of changes in the street scene since the law was passed. Exhibit 4.13 presents our findings. The perceived increases in the numbers of customers and street prostitutes probably reflects the altered status of the law. It is interesting to note, however, the perceptions regarding increases in both the number of escort services operating in Halifax and the

number of prostitutes who have moved off the street to work indoors. These two perceptions would suggest that the law has had a displacement effect.

In contrast, perceptions regarding changes in the numbers of customers and street prostitutes would suggest there has not been a displacement effect. Similarly, the perceptions regarding changes in incomes do not suggest a major displacement effect.

Moving Indoors

We followed up these questions by asking respondents whether they had ever personally thought about moving indoors (e.g., escort services, massage parlours, strip clubs etc.) rather than working the streets. Three quarters (19 of 25) of the respondents indicated that they had considered moving off the streets for a variety of reasons.

Seven respondents remarked that they would like to move off the streets for reasons of safety. Four respondents indicated that they only thought about moving off the streets when the weather was inclement, while three respondents remarked that they thought about moving indoors occasionally, usually when they felt they needed a change. The last respondent who would like to move off the street remarked that she would have greater self-respect if she were working indoors. It is interesting to note that five of the respondents related that they worked on a regular, part-time basis for escort services, primarily travelling to other areas of the Maritimes (e.g., Sydney, Moncton, St. John's).

Four of the respondents who stated they would not consider moving off the streets remarked that the money was better, or at least steadier, on the streets. They also

said that they had more control over their work and that this was a very important consideration. Two respondents felt that it was safer on the streets than working indoors because there were always police around the streets. In addition, they felt it was safer because the women on the streets watched out for each other. One respondent also remarked that she had considered the possibility of moving into "a house", but that the entrance fee was too high.

4.3.4 Perceptions Expressed by Prostitutes Regarding Changes in the Control Practices Associated with C-49

Knowledge of the Law

We began by asking prostitutes if they could tell us about the law related to soliciting on the streets for the purposes of prostitution. Fourteen of the respondents remarked that they knew the law had been overturned and that they could not be arrested for soliciting publicly. One third of the respondents related that the law, while still in effect, had made communicating publicly about prostitution illegal. Two of these respondents went on to state that they found it ironical that prostitution/ soliciting was not illegal but that talking about it was illegal. One respondent remarked that prostitutes could now be arrested in vehicles whereas in the past they could not.

The remaining respondents did not have accurate knowledge regarding the provisions of C-49. Of these eleven respondents, four stated that loitering was illegal, two related that soliciting was illegal, two said that living off the avails was illegal, one remarked that tax evasion was the only aspect of prostitution that was illegal, while the other two respondents said they had no idea what the

laws relating to soliciting/prostitution were, nor did they care.

Police Control Strategies

Respondents were asked how frequently the police in Halifax used a number of strategies in their enforcement of the laws related to prostitution. All of the respondents knew what control strategies the police adopted with the implementation of Bill C-49. These strategies included observing the streets from unmarked cars to gather intelligence and using male and female decoys to gather evidence. The male decoys were always in rental cars. Ten respondents remarked that male decoys were used by the Halifax police almost all of the time, while only three respondents felt that female decoys were used as often as the male decoys.

We also asked respondents whether they had noticed any changes in the use of these strategies by the police since June 1, 1987. Ten respondents remarked that the police did not use decoys anymore but that both marked and unmarked police cars/vans maintained a high profile presence along the stroll sometimes parking right where prostitutes usually worked. Ten respondents said that they had not noticed any differences in police tactics since June 1, while five respondents were unsure whether there had been any changes in police tactics.

Strategies to Avoid Police

We asked respondents how people working the streets generally avoided being arrested. Only one respondent felt that there had been a change in the way that people working the streets avoided being arrested since Bill C-49 was passed. She remarked that, in general, the women

were much more discrete in their behaviour. Nine respondents indicated that they usually walk away from the stroll whenever they see police vehicles. Four respondents remarked that they always make the customers talk first about prices and services. Three respondents related that they do not make any contacts when police are on the stroll. One woman remarked that she never goes with guys in rental cars. She also said that she tries to restrict her activities only to regulars. Four respondents took a fatalistic view remarking that there was no point in doing anything differently -- the police either arrested you or they did not.

Relations on the Street

Respondents were asked whether relations between people working the streets and the police had changed since Bill C-49 was passed. There were no general patterns in respondents' answers to this question. Four respondents believed that relations had improved, while three believed relations had worsened. Three respondents remarked that the nature of the relationship had changed but that they could not say whether it was any better or any worse.

Perception of the Law

We were interested in respondents' perceptions as to whether the current laws regarding prostitution made them feel like criminals. Eight respondents remarked that being arrested and having a record made them feel like criminals. They also felt that this was unfair because they perceived that customers were not being arrested.

Respondents were also asked to comment on what they believed the effects would be of not arresting

prostitutes.[1] One fifth of the respondents remarked that there would be more prostitutes on the street some of whom would come from Toronto and Montreal. Four respondents believed that there were already more customers on the stroll. Nine respondents perceived that they would no longer be hassled by the police, while six respondents noted that they already felt safer and more secure at work. It was interesting that two females and the one male did not think that there would be any effects.

Finally, we asked respondents what they believed should be the law(s) related to prostitution. Ten respondents believed that prostitution should be legalized and either regulated or that a "red light" district could be created. Five respondents remarked that prostitution should be decriminalized. Two respondents stated that rather than hassling consenting adults, the law should be targeted towards pimps, while one respondent believed that the law should make explicit provisions for moving the street trade indoors. The remaining respondents did not care what the law was, they just wanted to be left alone.

4.4 Displacement: Profile of Off Street Prostitution

In this section, we explore the displacement of street prostitution activities by profiling the off street prostitution activities in Halifax. The data sources for this section include classified advertisements in daily newspapers, yellow pages advertisements in telephone directories and interviews with stakeholders.

---

[1] This question was asked to see what effects prostitutes thought the nullified status of the law would have on the street scene.

Given the focus of the law on the elimination of the street trade, one might expect that the off street prostitution trade would show a marked increase, however, available evidence does not suggest that there has been a large increase in the off street trade since the law was implemented. There have, however, been interesting changes in the off street prostitution market. The pilot project for this study (Crook, 1984) noted that between 1979 and 1984 there were six competitive escort/massage services listed in the yellow pages of the city telephone directory.

Telephone Directories

We examined the yellow pages for the years 1985, 1986 and 1987. In 1985, eleven services were listed under escorts or massage parlours, however, three services were cross-listed. In 1986, the number of services declined to a total of eight of which three services were cross-listed. In 1987, there were 12 services listed in the yellow pages of which three were cross-listed. Since 1984, then, there has been a small increase in the number of services advertised in the Yellow Pages. The more interesting phenomena are: (i) the significant increases in the size of advertisements; and (ii) the prevalence of massage parlours over escort services.

Daily Newspapers

There are two primary local newspapers in Halifax: The Chronicle-Herald/Mail-Star[1] and The Daily News. The former publications are very conservative and judging by an

---

[1] The Chronicle-Herald and Mail-Star are essentially two editions of the exact same paper; one in the morning and one in the evening.

almost total lack of advertisements for sexual services have an editorial policy regarding these types of advertisements. We selected six one week periods between January, 1985 and July, 1987 to conduct counts of the number of advertisements for sexual services. In order to standardise these counts as much as possible, we chose the first week in January and July for each of the three years.

For the first week in January, 1985, we only found eight advertisements in the Chronicle-Herald/Mail-Star for massage services over the course of the week, similarly, for the first week in July of the same year we found only five advertisements.

In January, 1986 we found a total of nine advertisements in the Chronicle-Herald/Mail Star for sexual services during the first week of the month. In July, we found only two advertisements throughout the first week of the month. During 1987, we found five advertisements for escort services during the first week in January and none during the first week in July. All of these advertisements were located in the Classified Advertising (i.e., "personals") section of the newspaper.

We were unable to conduct systematic historical counts of the advertisements in The (Halifax) Daily News for the same periods as we had for the Chronicle-Herald/Mail-Star. None of the libraries in Halifax carried old copies of The Daily News, thus we conducted the counts during the first weeks of June, July and August, 1987. From these counts we found that the Daily News carries many more advertisements for sexual services, including two or three advertisements per day in the personals section of the classified advertisements. These advertisements appear to have been placed by independents either working out of their homes or using a mail drop. Similarly, we found six

advertisements for massage parlours and escort services each day.

The sharp differences between the numbers of advertisements we found in each of the two newspapers probably reflect different editorial policies of the two newspapers. The Daily News is perceived as more "sensational" in its approach to and presentation of information to the public than the Chronicle-Herald/Mail-Star.

Interviews with Members of the Criminal Justice System

During the interviews with respondents from the Criminal Justice System and related agencies, we found mixed perceptions regarding changes in the off street prostitution trade. Basically, there was no agreement among these respondents. Respondents from the Crown, judiciary and defense had not noticed any changes in the volume of massage parlours, escort services or bawdy houses operating in or around the city. Two respondents from the police believed that there had been a small increase in the bawdy house trade since the legislation had been implemented.

Interviews with Social Agencies

A small minority of respondents from social agencies perceived that there had been an increase in juvenile off street prostitution. Three quarters of the respondents from social agencies believed that prostitution had moved underground, but it was very difficult to obtain a clear conception of what exactly this movement entailed.

Interviews with Prostitutes

During the interviews with persons engaged in prostitution, a minority of respondents believed that there

had been significant increases in the numbers of escort services in the city and the numbers of prostitutes working off street independently. Only five respondents believed there had been increases in the number of massage parlours, while an equal number believed the number had remained unchanged.

The most interesting source of information regarding off street prostitution was elicited from the respondent who had started her own escort agency. In general, she believed that there had been a significant increase in the number of people working for escort services or in bawdy houses in or around the city. She also believed that a greater number of independents were finding alternatives to working the streets (e.g., calling cards and classified advertisements).

Three quarters of the prostitutes interviewed remarked that in addition to working the streets, they also practice their trade in a variety of off street settings. Five respondents even related they worked for escort agencies on a regular part-time basis.

In fact, 18 of the respondents related that they also practice their trade in settings other than the street. Exhibit 4.14 presents a breakdown of these other settings. Nine respondents related that they had worked for escort services both in Halifax and in smaller centres throughout the Maritimes, while five respondents remarked that they currently work for escort agencies on a regular part-time basis. These escort services rotate the women to smaller centres throughout the Maritime provinces.

One third (eight respondents) stated that they occasionally work out of hotels in Halifax in order to make contacts with clients. Six respondents stated that they make contacts in bars around the conference centre in

downtown Halifax. Massage parlours were also noted by six of the respondents as an alternative setting for meeting clients.

EXHIBIT 4.14
Alternative Settings Where Respondents Make Contacts with Clients

Setting	Number	Percentage
Escort Services	9	36
Hotels	8	32
Bars	6	24
Massage Parlours	6	24
Classified Advertisements	3	12
Calling Cards	3	12
Bawdy House	2	8

Base = 25

A small minority, three respondents, related they used classified advertisements in order to make contacts with new customers, while three other respondents remarked that they rely on calling cards given to past customers for a significant proportion of their business. Two respondents related that they occasionally work in bawdy houses, primarily when the police actively patrolled the streets.

4.5 Police Perceptions Regarding Changes in the Street Scene Since Bill C-49

In this section we explore the changes in the street scene perceived by the police as well as the extent to which these changes are perceived to be a result of the implementation of Bill C-49. We began by asking respondents the estimated and known numbers of prostitutes before and after the legislation. Exhibit 4.15 presents our findings.

EXHIBIT 4.15
Numbers of Estimated and Known Prostitutes in Halifax Before and After Bill C-49*

	Pre C-49		Post C-49		Per Cent Changes Pre to Post C-49	
	Estimated	Known	Estimated	Known	Estimated	Known
Adult Male Prostitutes	44	24	26	14	- 14%	- 42%
Adult Female Prostitutes	124	100	54	39	- 56%	- 61%
Juvenile Prostitutes	15	12	0	0	-100%	-100%
Pimps	69	44	33	25	- 52%	- 43%

* Rather than giving the range of responses we have presented the mean averages of responses regarding the numbers of estimated and known prostitutes.

Declines in Numbers on the Street

The police perceived significant declines in both the estimated and known numbers of male, female and juvenile prostitutes in Halifax as well as the number of pimps since Bill C-49 was implemented. For examples, the respondents believed that there had been a 41 to 42 per cent decline in the number of adult male prostitutes, a 56 to 61 per cent decline in the number of adult female prostitutes, a 100 per cent decline in the number of juvenile prostitutes, and a 43 to 52 per cent decline in the number of pimps since Bill C-49 was implemented. The most startling perception was that juvenile prostitution had completely disappeared since Bill C-49.[1]

---

[1] Our own field work contradicts this perception as we interviewed two juvenile female prostitutes working along Hollis Street this summer and observed at least five persons who appeared to be juveniles working on the strolls.

These declines were perceived to be direct effects of the new legislation as prostitutes either moved indoors or out of town for fear of being charged. One officer also remarked that some prostitutes had left the streets due to the publicity with which local newspapers covered the arrests/prosecutions of prostitutes and customers.[1]

Locations of Strolls

Next we asked the respondents from the police whether there had been changes in the locations of the prostitution strolls. None of the respondents believed that the actual locations had changed, rather that the strolls had decreased in size.[2] This was especially true for the Hollis/Barrington Streets stroll. This was perceived as being an indirect effect of the law due to the substantial declines in the numbers of prostitutes in the city.

Patterns of Movement

We also asked respondents whether the patterns of movement between strolls had changed as a result of the law. Four of the six respondents remarked that since the new law had been implemented, the patterns of movement had been

---

1 The local newspapers in Halifax reported the names, addresses and occupations of persons charged under the provisions of Bill C-49. At least two prostitutes lost their "straight" jobs when employers found out about their "other jobs".

2 Our own findings during the observation phase of the field work suggest that the Triangle has expanded to include the streets surrounding the Halifax Public Gardens (i.e., Summer and Sackville Streets). In contrast, the Hollis/Barrington Streets stroll has decreased in size since 1984.

significantly altered such that there is, currently, virtually no mobility from stroll to stroll. It was believed that this change reflected the lower overall profile which street prostitutes tried to maintain after the Bill was implemented.

Two of the respondents also noted that, in general, street prostitutes had moved to darker locations once the Bill was implemented in order to avoid being arrested. On the other hand, two other police officers remarked that the women along Hollis and Barrington Streets began working in groups as a result of the law in order to frustrate police strategies for controlling street prostitution.[1] This practice would tend to create a higher rather than lower profile on the streets.

Location of Tricks

We asked the respondents from the police if there had been any changes in the locations where prostitutes turned their tricks since Bill C-49 was implemented. Three of the respondents did not believe that there had been any changes in regards to where tricks were being turned as a result of the law. One respondent remarked that more tricks were being turned in cars since the law was passed.[2]

---

[1] There were two rationales for how this practice frustrated police control strategies: (i) the police only used one female decoy at a time, thus, women working in groups would not be confused with police decoys by the customers; and (ii) working in groups increased the possibilities of the women recognising male police decoys.

[2] This corroborates the information derived from the interviews with prostitutes.

Another respondent remarked that there had been some movement off the streets into massage parlours while two respondents related that more tricks were being turned in trick pads and hotel rooms due to the law. One of the respondents who did not believe there had been any changes in the locations where tricks were turned, remarked that contacts with customers were increasingly being made in lounges and hotels rather than on the strolls.

Sexually Transmitted Diseases

Finally, we asked respondents from the police whether or not AIDS or other sexually transmitted diseases had any impacts on the incidence or practice of street prostitution in Halifax. None of the respondents believed that AIDS had any major impacts on the street trade.

5.0 THE REACTION OF THE COMMUNITY TO THE LEGISLATION AND ITS IMPLEMENTATION

In this chapter we explore community reactions in Halifax to Bill C-49. We utilised three major data sources in order to develop a profile of community reactions including:

i) newspaper reports;
ii) key informants from social agencies; and
iii) citizens from the affected areas.

5.1 Newspaper Content Analysis

The primary purpose of this component of the research was to collect data to reflect the community attitudes concerning issues related to street prostitution.

In total we captured data from 133 newspaper articles concerning prostitution related issues published between 1983 and 1987. Originally we found only 75 articles via the Canadian News Index, however, vertical (clipping) files housed at the Halifax Public Library, the Public Archives of Nova Scotia and the City of Halifax yielded an additional 68 articles. We decided to examine articles published between 1983 and 1987 in order to provide a greater sense of local issues (context) leading up to the implementation of C-49 in Halifax.

Source of Report

Exhibit 5.1 presents a breakdown of the sources of the 133 articles examined. Approximately 41 per cent of the articles originated with reporters and editors. Many of these articles were national and international feature stories on prostitution. About 17 per cent of the articles were generated by politicians at the provincial or

municipal levels. Fourteen per cent of the articles were generated by actors from within the Criminal Justice System such as members of the police, Crown prosecutors or defense attorneys.

EXHIBIT 5.1
Source of Reports

	Number of Articles	Percentage
Reporters/Editors	55	41.4%
Provincial/Municipal Politicians	23	17.3%
Criminal Justice System	19	14.3%
Citizens/Community Advocacy Groups	15	11.3%
Federal Politicians	10	7.5%
Social Agencies	6	4.5%
Prostitutes	5	3.7%
Total	133	100.0%

Eleven per cent of the articles originated with citizens' advocacy groups while seven per cent were generated by federal politicians. A very small minority of articles were generated by social agencies or prostitutes (four per cent each).

Type of Prostitution Emphasised

Exhibit 5.2 presents a breakdown of the prostitution emphasis of the 133 articles. The overwhelming majority of articles (86 per cent) were concerned primarily with street prostitution. Approximately seven per cent of the articles were concerned primarily with bawdy houses, while four per cent discussed escort services and three per cent discussed massage parlours.

EXHIBIT 5.2
Prostitution Emphasis

Type of Prostitution	Number of Articles	Percentage
Street Prostitution	115	86.5%
Escort Services	5	3.8%
Massage Parlours	4	3.0%
Bawdy Houses	9	6.7%
Total	133	100.0%
Age Emphasis		
Juvenile Prostitutes	10	7.5%
Adult Prostitutes	19	14.3%
Both Juvenile and Adults	31	23.3%
No age emphasis	73	54.9%
Total	133	100.0%

Over one half (55 per cent) of the articles had no age emphasis in their discussions of prostitution. Approximately seven per cent of the articles focused exclusively on juvenile prostitution, while 14 per cent focused solely on adult prostitution. The remaining 23 per cent of the articles were equally concerned with both juvenile and adult prostitution. The relatively small number of articles which focused exclusively on juveniles was somewhat surprising given the concentrated national focus on juvenile prostitution over the past two years.

Triggering Incident

Exhibit 5.3 displays the triggering incidents for the 133 articles examined. Approximately ten per cent of the articles were triggered by debates concerning the legality and appropriateness of instituting municipal bylaws to control street prostitution. All of these articles were clustered around the time when the cities of Halifax and Dartmouth were considering the implementation of municipal

bylaws modelled on the Calgary bylaw which was struck down by the Supreme Court in the Westendorp decision.

EXHIBIT 5.3
Triggering Incidents

Incidents	Number of Articles	Percentage
City bylaws controlling street prostitution	13	9.8%
Halifax injunction against prostitutes	15	11.3%
Fraser Committee Meetings/ Recommendations	14	10.5%
Federal government plans re: prostitution	7	5.3%
Advocacy group meetings	9	6.8%
Residents' Association actions (i.e., Shame the Johns Campaign, etc.)	7	5.3%
Passage/Implementation of Bill C-49	14	10.5%
Specific prostitution incident involving arrest	15	11.3%
Specific prostitution incident involving violence	9	6.7%
Miscellaneous	4	4.0%
No triggering incident	22	16.5%
Total	133	100.0%

Eleven per cent of the articles were triggered by the court injunction against street prostitutes in Halifax sought by the Attorney General of Nova Scotia. An equal proportion (11 per cent) of articles were triggered by the Fraser Committee. These articles were centered around either meetings of the Committee or the release of the Committee's recommendations to the federal government. A very small minority (five per cent) were triggered by the announcement of federal government plans (other than Bill C-49) regarding strategies for controlling prostitution.

Approximately seven per cent of the articles were triggered by various advocacy group meetings held by community members and prostitute's organisations. About five per cent of the articles were triggered by various resident's associations' actions such as the "Shame the Johns Campaign" held across the country.

Approximately ten per cent of the articles were triggered by the Parliamentary debates surrounding passage of Bill C-49 or by the actual implementation of the law in Halifax. A very small minority of articles (four per cent) were triggered by challenges to the law based on the Charter of Rights.

It is interesting to note that 11 per cent of the articles were triggered by specific prostitution related incidents involving arrests. The majority of these articles concerned customers who had been arrested under the provisions of Bill C-49, providing their names and addresses.

Six per cent of the articles were triggered by specific prostitution related incidents involving violence. Over half of these articles were concerned with the murder of a Halifax prostitute in a downtown hotel. This particular incident received very high profile press coverage (i.e., front page stories). Nine articles (about seven per cent) were not classified as they were too specific to be categorised. The remaining 16 per cent of the articles did not have any triggering incidents.

Major Themes

Exhibit 5.4 presents 15 major themes found in the 133 articles. These have been broken down into three time frames: articles before C-49 was passed; articles published between December, 1985 and December 1986; and articles

published between January and July, 1987. These three time periods were chosen as it was expected that the focus of community attitudes would change over time. Specifically, it was expected that community attitudes would shift from a focus on nuisance factors to a focus on the effectiveness of the law and to issues underlying the incidence of prostitution. Articles were coded for up to 15 major themes.

EXHIBIT 5.4
Fifteen Major Themes in Articles by
Time Frame of Publication

Themes:	Pre-C-49	Dec '85 - Dec '86	Jan '86 - July '87	Tota
Public Nuisance Factors	51	-	1	52
in Visibility of Prostitution	11	6	3	20
Focus on Youth Entering Prostitution	9	6	5	20
Focus on Pimps	8	8	7	23
Focus on Customers	9	5	1	15
Life Experiences of Prostitutes	7	14	6	27
Difficulties with Control Practices Prior to C-49	30	2	2	34
Constitutionality of Control Practices Prior to C-49	23	-	-	23
Effectiveness of Police Strategies	21	15	5	41
Attitudes Toward Decriminalization/ Regulation	17	1	-	18
Description of Bill C-49	8	2	4	14
Problems with C-49	20	14	4	38
Need for Criminal Code Changes	28	-	-	14
Need for Social Services	4	6	4	14
Base Number of Articles	76	33	24	133

Two thirds (68 per cent) of the articles published prior to proclamation of Bill C-49 concentrated on the public nuisance factors associated with street prostitution. In contrast, none of the articles published during the first year in which the law was in force were concerned with

nuisance factors and only one article published in 1987 focused on nuisance factors. The second major theme found in articles published before December, 1985 concerned difficulties with criminal legislation stemming from the Supreme Court's Hutt decision (39 per cent of the articles).

Not surprisingly, the third major theme in pre-C-49 articles concerned the need for changes to the Criminal Code. Approximately 37 per cent of the articles focused on this theme. In contrast, none of the articles published after December, 1985 focused on this theme. The fourth major theme among articles published before the implementation of Bill C-49 concerned the constitutionality of control practices prior to the changes instituted in Bill C-49. Approximately 30 per cent of the articles focused on this theme.

The fifth major theme concerned the effectiveness/ ineffectiveness of police strategies for controlling street prostitution. Approximately 28 per cent of the pre- C-49 articles focused on this theme.

The sixth major theme found in articles published prior to proclamation of Bill C-49 concerned problems with the legislation. Approximately one quarter (26 per cent) of the articles focused on this theme. The major problems cited in these articles concerned either the inability of the legislation to deal effectively with the issues/problems underlying prostitution, or the potentials for Constitutional challenges to the legislation.

The last major theme[1] found among articles published prior to Bill C-49 concerned public and key individuals' attitudes toward decriminalization or regulation of prostitution. Approximately one fifth (22 per cent) of the articles focused on this theme.

We found only 33 articles concerning issues related to prostitution published in Halifax during the first year in which the law was in force. There were four major recurring themes in a significant minority of these articles.

The first major recurring theme found in articles published during the first year in which the law was in force concerned the effectiveness of police strategies. Approximately 45 per cent of the articles shared this focus.

The second and third major themes concerned problems with Bill C-49 and the life experiences of (female) prostitutes. These two themes were each found in 42 per cent of the articles. The fourth major theme during the first year in which Bill C-49 was in force focused on pimps and procurers recurring in about one quarter (24 per cent) of the articles.

We were surprised to find only 24 articles concerning prostitution related issues published in Halifax between January and July, 1987. We had expected to find a larger volume of articles given that the Nova Scotia Court of Appeal nullified the section of Bill C-49 concerning communicating for the purposes of prostitution.

---

1 We are only commenting on themes found in at least 20 per cent of the articles. A number of other themes were contained in the articles and these are listed in Exhibit 5.4.

There were four major themes recurring in at least 20 per cent of the articles published during this time period. The first major theme focused on pimps and procurers especially the violent and exploitative relationship between pimps and female prostitutes. This theme was found in 29 per cent of the articles.

The second major theme, found in one quarter (25 per cent) of the articles, concerned the life experiences of (female) prostitutes. The third major theme focused on juveniles entering prostitution. This theme recurred in 21 per cent of the articles.

Not surprisingly, the fourth major theme during this time period, found in one fifth (21 per cent) of the articles, concerned the effectiveness/ineffectiveness of police strategies for controlling street prostitution. Many of these articles drew comparisons to the period before Bill C-49 was proclaimed.

There were general trends over the three time periods. During the pre- C-49 time period, the major themes focused on the problems and debates underlying the control of street prostitution. During the first year in which the law was in force, there was a narrower focus on the impacts (both positive and negative) of the legislation both on policing strategies, and on prostitutes. During the final time period (1987) the focus shifted to a greater concern with social issues. For example, there was a greater concentration on the life experiences of prostitutes, especially juveniles.

Image of Bill C-49

The final issue which we examine in this section concerns overall images of Bill C-49 portrayed in the articles. This was only relevant for the 57 articles

published between December, 1985 and July, 1987. Exhibit 5.5 presents a breakdown of the images portrayed by the time periods in which the articles were published.

EXHIBIT 5.5
Overall Image of Bill C-49 Portrayed by Article

Date of Articles	Positive	Neither	Negative	Not Applicable	Total
Dec. '85 - Dec. '86	10	18	4	1	33
Jan. '86 - July '87	2	9	1	12	24
Total	12	27	5	13	57

Approximately one third (31 per cent) of the articles published during the first year in which the law was in force portrayed Bill C-49 in a positive manner. In contrast, only 16 per cent[1] of the articles published in 1987 portrayed the legislation positively.

Approximately 12 per cent of the articles published between December, 1985 and December, 1986 portrayed Bill C-49 in a negative manner. Only eight per cent of the articles published in 1987 portrayed a negative overall image of the legislation.

Over one half (56 per cent) of the articles in the first year portrayed the article in a neutral manner (i.e., neither positive nor negative). In contrast, three quarters (75 per cent) of the articles published in 1987 portrayed Bill C-49 in a neutral manner.

There were a number of interesting trends found in the print media's coverage of prostitution related issues. The vast majority of articles examined focused primarily on

---

[1] In calculating percentages, the "not applicable" category has been excluded. These account for one half of the articles published in 1987.

street prostitution. Given the national focus on juvenile prostitution, we were surprised by the fact that less than ten per cent of the articles focused on issues surrounding juvenile prostitution.

We were surprised not to find any apparent general patterns concerning incidents which triggered the publication of articles. It was interesting that specific actions by the Downtown Halifax Resident's Association only accounted for five per cent of the articles.

As expected, we found general trends in the major themes presented in newspaper articles over time. During the pre- C-49 time period, the major themes focused primarily on the nuisance factors associated with street prostitution and the debates/issues underlying the control of prostitution. During the first year of implementation (i.e., December, 1985 through December, 1986) there was a much narrower focus on the effectiveness of control strategies and the positive and negative impacts associated with policing strategies. During 1987, the focus of newspaper articles shifted to a greater concern with social issues underlying the incidence of prostitution in society.

The final trend which we found concerned the overall image of Bill C-49 portrayed by newspaper articles between December, 1985 and July, 1987. In general, the majority of articles which discussed Bill C-49 maintained a neutral tone. During the first year in which the law was in force, however, approximately one third of the articles portrayed the legislation in a positive manner. In contrast, during 1987 only two articles portrayed the legislation in a positive manner.

5.2 Social Agencies

In this section we discuss the perceptions of social services delivery agents regarding street prostitution and the changes resulting from the implementation of Bill C-49. It was decided to include the perceptions expressed by representatives of social agencies in this chapter because, in essence, they are agents for the community as well as agents for the state. Social agencies represent an excellent source of information regarding changes in the street scene as a number of agencies have prostitutes in their client groups. As with any social problem, social agencies have a unique perspective on the issues related to prostitution given their contradictory positions as, on the one hand, agents of social control, and on the other hand, "helping" agencies with vested interests in the incidence of social problems.

During the field work we interviewed 15 representatives from 13 social agencies. The selection of agencies contacted was made on the basis of the results of two studies regarding prostitution in Halifax conducted over the past four years. A list of the social agencies contacted is appended to this report.

5.2.1 Community Programs and Social Services for Prostitutes in Halifax

Only four agencies indicated they currently offer programs or services specifically designed to meet the needs of prostitutes. These agencies included: Adsum House providing emergency shelter; Coverdale Foundation providing legal counsel and referral services; Elizabeth Fry Society (Stepping Stone Program) providing a drop-in centre, counselling, crisis intervention and referral services; and Dalhousie Legal Aid (which helped found the Women's Alliance

for the Security of Prostitutes (WASP)) providing legal aid and advocacy services. Other agencies which provide general services recognise that prostitutes utilise their services. For examples, the North End Clinic provides medical services, the Options Training Program and Women's Employment Outreach provide employment, training and lifestyles programs and the Children's Aid Society provides counselling and protection. Three respondents indicated that their services were aimed primarily at adult female prostitutes, one related that their emphasis was on juvenile prostitutes, while another respondent noted that their services were relevant to all prostitutes. The other agencies believed that a number of their services, while not designed specifically for persons engaged in prostitution, were able to meet some of the general needs of prostitutes.

Eight respondents indicated that their agencies were able to more than adequately meet the needs of persons engaged in prostitution, while three respondents believed they could meet prostitutes' needs adequately and two respondents felt that they were unable to meet the needs of prostitutes. The major factors perceived by respondents to affect their agencies' abilities to meet the needs of prostitutes included: levels of commitment on the part of caseworkers/field staff (five respondents); levels of human and capital resources available to the agency (eight respondents); and the overall organisational styles and philosophies of service delivery (eight respondents). All but one of the respondents believed that there is a strong need for increased services and programs directed specifically to persons engaged in street prostitution, especially given the targeting of this population by the Criminal Justice System. The implementation of the Stepping

Stone Program by the Elizabeth Fry Society was perceived as a major positive step towards meeting these needs.

5.2.2 Changes in Programs, Services and the Nature of the Client Groups Due to Bill C-49

Nature of Client Groups

It is interesting to note that only one third of respondents believed that Bill C-49 had any effects on the nature of their client groups. For example, one respondent related that the referral sources for clients who were prostitutes had changed (i.e., police were now referring prostitutes to the shelter). Two respondents noted that there was a marked increase in the number of adult female clients who were, or at one time had been, prostitutes. Another respondent remarked that initially, when Bill C-49 was first implemented, the number of prostitutes seeking employment training had increased, however, this had declined over time. The fifth respondent noted that there were more adult male (homosexual) prostitutes accessing the shelter and counselling services since Bill C-49 was implemented.

Positive and Negative Impacts

Respondents were asked whether they perceived any noticeable positive or negative impacts on their clientele as a result of the legislation. Two thirds of the respondents stated that there had been no positive impacts. One respondent remarked that the only positive impact of the legislation had been a noticeable decrease in juvenile females working the streets, while another respondent felt that there had only been a decrease in the visibility of juvenile prostitutes not in the actual numbers. One

respondent could not think of any positive impacts on their client group, however, she remarked that the politicians had certainly benefitted from the legislation.

Respondents perceived the legislation as having had a number of negative impacts on their clientele. Two thirds of the respondents believed that clients were at greater risk as prostitution moved underground. One third of the respondents remarked that they had seen increased evidence of violence perpetrated against prostitutes. Seven respondents perceived greater risks to prostitutes from pimps. Two social services delivery agents felt that C-49 had broken down the relationship of trust that had developed between women on the street and the police. Further they believed that this change had serious implications regarding the safety of women working the streets. Three respondents remarked that the increased charges and fines levied against prostitutes under the provisions of C-49 were just putting the women "deeper in the hole".

Changes in Services

We asked respondents whether the services provided by their agencies had changed since 1985. Only six respondents stated that their services had changed, and only one believed that the changes were directly related to the introduction of Bill C-49. Two respondents related that there had been changes both in the types and focus of educational and counselling services provided by their agencies. One agency respondent indicated that a "street proofing" program had been implemented in the past year. Two respondents noted that there had been improvements in staff training especially in dealing with clients engaged in prostitution activities. One respondent remarked that, while there had not been any significant changes in the

programs and services offered, the service delivery had become much more difficult as a result of the law because prostitutes had moved underground.

Finally, four respondents noted that the increased incidence and awareness of AIDS had affected the nature and types of services they provided to prostitutes. Two agencies had improved their medical education programs directed to clients, while one agency had begun holding workshops for staff members. The fourth respondent related that there had been an increased demand for services from males thought to be involved in prostitution.

5.2.3 Perceptions Expressed by Prostitutes Regarding Social Services Available in the Community

In this subsection, we examine the levels of awareness and general perceptions of persons engaged in prostitution regarding services available to them in the community. While this is not a key issue area for this evaluation, it is, nevertheless, important given the push to move prostitutes off the streets.

We began by asking street prostitutes whether they were aware of any special programs or social services available to people working the streets. We asked this question in order to determine whether or not street prostitutes were aware of alternatives to the street scene. We were also interested in whether or not they were aware of agencies or services which might offer various kinds of aid to help them get out of the street scene.

Fourteen respondents were familiar with at least one program or service. Eleven women had heard of, or were familiar with, the Women's Alliance for the Security of Prostitutes which provided advocacy services to prostitutes. Two respondents were familiar with the Coverdale Foundation

which provided legal counsel to women in conflict with the law. One of the juveniles had contact with the Children's Aid Society, while the other juvenile had no knowledge of services available in Halifax. One female respondent remarked that she was receiving social assistance at the time of the interview and one remarked that she was involved with the Job Generation program receiving job skills training. We found it interesting that three females were unfamiliar with services available in Halifax, but mentioned the S.O.S. Outreach program in Toronto.

Only seven respondents indicated using any of the services available in Halifax. Two remarked that they had received legal advice. Two other respondents noted that they had received a list of "bad tricks". One of the two prostitutes who had retired remarked that she had received assistance from WASP to get off the streets.

We also asked respondents if they believed there had been a noticeable change in services available to them since Bill C-49 was passed. Seven respondents remarked that there had been changes. Two respondents mentioned the creation of the Stepping Stone program specifically for prostitutes. Five respondents remarked that WASP had been established since the law was introduced, while one respondent believed that the Coverdale Foundation had expanded their legal aid and referral services, at least partly as a result of the law. Three respondents felt that shelters for women in the city had begun offering services to female prostitutes since the law was introduced, however, they did not know whether this was related to the law.

The primary reasons these seven respondents believed there had been a change in services in the community available to prostitutes included: (i) the increased publicity and public concern regarding

prostitution which followed the introduction of the law; (ii) the fact that ex-prostitutes were becoming involved in the provision of services; and (iii) to help get women off the streets and give them greater self-respect.

Finally, we asked respondents if they had ever had any direct contacts with either WASP or the Stepping Stone Program. Twelve respondents remarked that they had contact with at least one of the two programs. For five respondents, this contact was limited to talking to street workers. Four respondents had been to WASP meetings and three respondents had received legal advice.

5.2.4 Perceptions of Changes in the Prostitution Scene Due to the Law Expressed by Social Agencies

In this section we discuss the changes in the street scene perceived by social services delivery agents in Halifax. Estimates as to the number of prostitutes currently working the streets in Halifax ranged from 20 to 70 females and ten to 15 males. This wide variation in the estimates provided by representatives of social agencies regarding the number of street prostitutes in Halifax suggests that many of the respondents were out of touch with the reality of the street scene. In general, respondents from the social agencies related that about 80 per cent of the prostitutes working the city were adult females, while approximately ten per cent were juvenile females and ten per cent were males.

Prior to proclamation of Bill C-49, respondents believed there were approximately 55 females and an undetermined number of males working the streets in

Halifax.[1] In general, respondents believed that the number of male prostitutes in the city had increased since 1985, while there had been a slight decrease in the number of female prostitutes.

Visibility of Street Prostitution

The majority (67 per cent) of respondents from social agencies believed that Bill C-49 initially contributed to a significant decrease in the visibility of street prostitution, however, 70 per cent of these respondents indicated that the levels of visible street prostitution activities had been steadily increasing since the law was overturned (May, 1987). It was also stressed that the initial decrease in visibility due to Bill C-49 had not particularly meant that people were finding alternative sources of earning a livelihood. Rather it had meant that prostitutes were moving "underground" (ten respondents) or leaving the city for other areas of Canada and the United States (four respondents). There was a small minority of respondents (four) who believed that part of the decrease in the numbers and visibility of street prostitutes in Halifax (especially juveniles) was due to AIDS.

Form and Practice of Prostitution

Respondents were asked how they believed Bill C-49 had affected the form and practice of prostitution in Halifax. Two thirds of the respondents perceived that

---

[1] This number, 55 females, was reported in local newspapers at least ten times during 1984-85.

prostitutes had moved "underground".[1] One third of the respondents believed that prostitutes were exposed to greater levels of violence as a result of C-49. Two respondents perceived that prostitutes have increasingly moved indoors to such locations as bars and hotels.

The vast majority (80 per cent) of respondents believed that, in general, Bill C-49 makes prostitution more dangerous. A number of reasons for this increased danger were cited. For example, seven respondents (47 per cent) believed that the influence of pimps had increased significantly, while eight respondents (53 per cent) perceived that prostitutes had less protection primarily due to the altered nature of the relationships between prostitutes and the police.

Deterrence

Respondents were asked to rate their perceptions of the deterrent effects that Bill C-49 has had on the street scene in Halifax. The majority of the representatives from social agencies believed that Bill C-49 had minimal or no deterrent effects on prostitutes, however, they did believe that the legislation had at least mild deterrent effects on customers.

Twenty per cent of the respondents believed the legislation had no deterrent effects upon prostitutes, while 40 per cent perceived minimal if any deterrent effects. Two respondents (13 per cent) perceived mild to moderate deterrent effects, while the remaining four respondents had

---

[1] We had great difficulties getting respondents to define exactly what moving "underground" entailed. While there appears to be a widespread belief in this phenomena, there is a lack of clarity in what "underground" means.

no opinion. In contrast, one third of the respondents believed Bill C-49 had a mild to moderate deterrent effect upon customers, while two respondents (13 per cent) believed it had little if any effect on customers and the remaining eight respondents (53 per cent) had no opinion.

Exploitation

Just less than one half of the respondents from social agencies believed that Bill C-49 had contributed to the increased exploitation of prostitutes by customers and pimps. The underlying rationale for this perception was that the legislation had pushed prostitution underground, thereby exposing prostitutes to a greater range of risks from both customers and pimps. Six respondents (40 per cent) perceived the legislation as having had the effect of increasing the exploitation of prostitutes by customers, while four respondents (27 per cent) believed Bill C-49 contributed to neither an increase nor decrease in the exploitation of prostitutes by customers. Seven respondents (47 per cent) perceived that Bill C-49 had increased the level of exploitation of prostitutes in Halifax by pimps, while four respondents believed the legislation had no effect in this regard. None of the respondents believed that Bill C-49 had contributed to a decrease in the exploitation of prostitutes.

Advantages and Disadvantages

Respondents were asked what they perceived were the advantages and disadvantages of Bill C-49. The vast majority (67 per cent) of social services delivery agents believed the legislation had no advantages. Three respondents believed that there had been a decrease in juvenile females working the streets and that this was the

major advantage of the law. One respondent related that the decreased visibility of street prostitution throughout the city represented the only advantage of the law. Respondents related a number of perceived disadvantages with the law. For example the following disadvantages were listed: seven respondents noted the increased influence of pimps; eight respondents indicated increased levels of violence directed at prostitutes; four respondents noted that prostitutes had to work more in order to pay the fines; four respondents related that the legislation does not even attempt to get at the root of the problem; and ten respondents noted that the law moved prostitutes "underground". None of the respondents believed that any advantages attached to the law outweighed the disadvantages.

Objectives Achievement

In terms of the legislation's primary objective of eliminating communicating/soliciting for the purposes of prostitution in public places, eight respondents (53 per cent) believed the law had been effective while two perceived it had been ineffective and four respondents believed the Bill had been neither effective nor ineffective in this regard.

Respondents were asked to indicate what aspects of prostitution they believed required intervention by the Criminal Justice System. Two thirds of the respondents indicated that pimping and procurement of juveniles were the major factors requiring intervention. Six respondents believed that protection of female prostitutes from abuse and violence required intervention by the Criminal Justice System, while only two respondents believed that the nuisance factors associated with street prostitution required intervention.

Suggestions/Recommendations

Respondents had a number of suggestions concerning what the law related to prostitution should contain. Two thirds of the social services delivery agents believed that any law dealing with prostitution should explicitly recognise the socio-economic bases of the problem. It was felt that such recognition would include the development of rehabilitation and/or protection mechanisms to get women off the streets rather than punitive measures. Two thirds of the respondents also believed that the law should include stronger deterrents against pimps, while one third believed that the law should include stronger deterrents against customers. A minority of respondents (33 per cent) believed that prostitution should be decriminalised and regulated, while one respondent indicated that prostitution should be legalised and specific health provisions enacted.

Finally, we asked respondents how important they perceived issues surrounding prostitution were in the larger scheme of things. Eight respondents (53 per cent) indicated that issues surrounding prostitution must be situated within the broader issues concerning societal attitudes toward women and sexuality. One third of the respondents related that prostitution must be seen within the broader context of social welfare issues with a particular emphasis on the health of participants in the lifestyle. The remainder of the respondents were unsure where to situate issues surrounding prostitution in the greater scheme of issues and problems. None of the respondents, however, believed that the Criminal Justice System was the appropriate venue for dealing with the social and economic issues underlying prostitution.

5.3 Perceptions From Affected Neighbourhoods

In this section we discuss the reactions of respondents from the community to the implementation of the legislation. The primary source of information for this section was a spokesperson from the Downtown Halifax Resident's Association.[1] We attempted to discuss the legislation and to collect perceptions from the Mayor's office, as well as the Alderperson for the "South End". Both of these sources, however, declined tc participate in the evaluation.

The perceptions and reactions of the Resident's Association were contrasted with informal interviews conducted with two randomly selected residents along the Barrington Street stroll.

5.3.1 Perceived Changes in Police and Crown Activities

The spokesperson from the Resident's Association related that immediately after Bill C-49 was proclaimed, the overall number of police patrols along the Hollis/ Barrington Streets stroll had increased. He believed that the increased number of patrols and generally higher profile police presence along the stroll reflected the priority with which the police approached the new legislation.

He related that police activities began to noticeably decline as convictions became more difficult to obtain in 1987. He felt that the Skinner appeal decision in May, 1987 made it virtually impossible for the police to maintain the high levels of activity which they had sustained throughout 1986.

---

[1] This group lobbied very loudly for the types of changes which were introduced with the implementation of Bill C-49.

One of the two residents interviewed along Barrington Street perceived that the number of police patrols had greatly increased during the first six months after Bill C-49 was implemented. It is interesting to note, however, that the respondent believed that overall, the number and visibility of police patrols along the stroll had actually decreased between 1985 and 1987. This respondent also perceived that the police concentrated their enforcement control activities associated with prostitution primarily along the Hollis/Barrington Streets stroll. He believed that the concentration of enforcement/control activities along this stroll reflected two realities: (i) the fact that the vast majority of street prostitutes in the city worked this stroll; and (ii) the reaction of municipal and police officials to the political clout wielded by the Resident's Association centred in the area.

Community respondents were asked whether or not they believed the new law had any effect on the overall safety in the streets. The two residents interviewed along Barrington Street related that they had always felt the streets in Halifax were very safe and that the new law had not changed the level of security they felt. In contrast, the spokesperson from the Resident's Association believed that the new law had very positive impacts in terms of the overall safety on the streets. He related that the south end had a "Dodge City atmosphere" in 1983 and 1984. He believed that the city had lost control of the streets beginning in 1981[1] and that this process had peaked in 1984, coinciding with the large increases in the number and

---

[1] The Halifax police force went out on a wildcat strike in 1981 during which time the city had a very noticeable increase in disorderly public conduct.

visibility of street prostitutes in the city. He perceived the new legislation as providing the police with a tool for cleaning up the streets.

5.3.2 Perceived Changes in Prostitution Activities

Visibility

The spokesperson from the Resident's Association related that there had been a very sharp decrease in the number and visibility of street prostitutes since Bill C-49 was implemented. He estimated that during the summer of 1983, one could see up to 100 prostitutes along the Hollis/Barrington Streets stroll on any given night. He related that at present there were usually between ten and 20 women working on any given night.

The two respondents interviewed along Barrington Street related that the visibility of street prostitutes had greatly decreased throughout the South End as a result of the law at least until June, 1987. One of the respondents indicated, however, that he did not believe there had been a significant decrease in the overall number of prostitutes in the city. He believed that the women's activities had been displaced to more private locations such as outcall (escort) services and to areas where the police were less likely to maintain a high profile presence. He felt that this displacement would have the ultimate effect of increasing the dangers to prostitutes. In contrast, he did not perceive a noticeable decrease in the number or visibility of male prostitutes working along the Triangle.

Displacement

The spokesperson from the Resident's Association related that most of the "public" discussion regarding the

displacement of prostitution to more "underground" locations as a result of Bill C-49 was nothing more than an attempt by groups opposed to the legislation to frustrate the Bill in an effort to have it removed from the Criminal statutes. When asked whether or not he believed the street scene was more dangerous since the law was passed, he related that nothing could be more dangerous in his mind than 15 year old girls getting into vehicles with anyone who comes along looking for a prostitute. He noted that since Bill C-49 was passed, the juveniles have been completely taken off the streets, so, if anything, the street scene was less dangerous.

Organised Crime

Regarding the impacts of the law on the relationship between prostitution and organised crime, both of the respondents interviewed along Barrington Street believed that there had been an increased involvement in the street scene on the part of organised crime. One of the respondents remarked that only part of this phenomenon was related to the legislation as the Hell's Angels have been attempting to gain control of the street for the past six or eight months.

In contrast, the spokesperson representing the Resident's Association related that there was no evidence to suggest that there was a major organised network operating in Halifax. He described the street scene as "very much an amateur night" where there were a few pimps who lived off the avails of the females on the street. He characterised the pimps as "black drop-outs who work a couple of girls".

Deterrence

Finally we asked respondents to rate the strength of the deterrent effects of the law. The spokesperson from the Resident's Association believed that Bill C-49 has had a strong deterrent effect on both prostitutes and customers in Halifax. He perceived that the Bill has had greater impacts on customers as "they had more to lose" if they were arrested.

Both of the respondents interviewed along Barrington Street perceived the legislation as having only a mild deterrent effect on prostitutes and a mild to moderate deterrent effect on customers.

5.3.3 Satisfaction/Dissatisfaction with the Law

In order to explore the levels of satisfaction/ dissatisfaction with the law, we began by asking respondents what aspects of prostitution they believed required intervention by the Criminal Justice System. The position taken by the Resident's Association was that prostitution per se was not a problem, rather it was "the effects of street soliciting" which required intervention by the Criminal Justice System. The spokesperson emphasised that their Association's position was not a moral stand, but a cry to reduce the degree and number of street prostitutes and thus the negative effects of the street trade on the neighbourhood. He also added that the term "nuisance factors" was a misnomer for describing the negative effects (e.g., threats on his life, threats against female residents, fights, noise, excessive traffic, etc.) of the street trade.

The two respondents interviewed along Barrington Street suggested that the most alarming aspect of prostitution was the involvement of juveniles and that the

curtailment of the juvenile trade should be the major focus for the Criminal Justice System. One of the two respondents also suggested that the Criminal Justice System should be going after pimps rather than prostitutes or customers.

Respondents were also asked how effective Bill C-49 had been in accomplishing the objective of eliminating communication in public for the purposes of prostitution. The spokesperson from the Resident's Association believed that Bill C-49 has been very effective in this regard. Although he believed the legislation had been very effective, he also related that the judiciary had steadily eroded the intent of the law by turning it into little more than a licensing tool for prostitutes.

The two respondents interviewed along Barrington Street had different perceptions concerning the effectiveness of Bill C-49. One respondent perceived that the law had been very effective in meeting its primary objective during the first year it was in effect. The respondent indicated, however, that there had been an increase in prostitution activities over the course of the summer (i.e., since the law had been overturned by the Nova Scotia Court of Appeal). The other respondent perceived the law as having been neither effective nor ineffective in meeting the objective of eliminating communication for the purposes of prostitution in public places.

Respondents were also asked how satisfied they were with the way in which the new law had been implemented by the Criminal Justice System. The spokesperson from the Resident's Association indicated that their group believed that police and Crown officials had done a very good job implementing the law, but that the judiciary had abdicated its responsibilities by not treating the law seriously. He

was very concerned by the low fines imposed by the courts especially in cases involving repeat offenders. He believed that as long as communicating remained a summary as opposed to a hybrid offence, the courts would continue to mete out small fines and virtually no punishments for recidivists.

Only one of the two respondents interviewed along Barrington Street offered an opinion regarding his level of satisfaction with the way in which Bill C-49 had been implemented. He related that, overall, he was dissatisfied because he felt that the law had been applied primarily against female prostitutes. He also related that rather than trying to deal with the social problems underlying prostitution, the law had been formulated and implemented in a manner which represented the interests of property owners and discriminated against the interests of prostitutes.

Finally, we asked respondents what amendments to Bill C-49 they would suggest Parliament include in any future modifications to the law. The spokesperson from the Resident's Association suggested that the law be made into a hybrid offence specifying minimum as opposed to maximum fines and terms of imprisonment for repeat offenders. He believed that the law must explicitly provide disincentives for people involved in street prostitution and that this should be supplemented with social programs which recognise the root causes of prostitution and provide real incentives for people to get out of the prostitution scene.

One of the respondents interviewed along Barrington Street was unsure of what types of modifications or amendments to the law he would suggest. The second respondent believed that Bill C-49 should be scrapped altogether. He believed that prostitution should be regulated and that the Bawdy House provisions of the

Criminal Code should be amended to allow prostitutes to work in cooperative settings without the risks of violence associated with street prostitution. He believed that on the one hand such an approach would alleviate the concerns of those members of the public who are concerned with the nuisance factors associated with prostitution, while on the other hand it would make conditions safer for prostitutes and customers.

6.0 OVERVIEW OF THE IMPACTS AND EFFECTS OF BILL C-49

This chapter explores both the intended and unintended impacts and effects of the law in Halifax. The primary purpose of this project has been to assess the immediate effects of the intervention and to gain a sense of the overall positive and negative impacts of the legislation on the Criminal Justice System and the community. The focus on impacts and effects for this project may also provide guidance regarding changes or adjustments that may be necessary to fulfill the intent of the law.

6.1 Intended Impacts of the Law

The discussion of the intended impacts and effects of the law is divided into three subsections, corresponding to the three primary objectives of the law. As an overview, this section draws together evidence presented in previous sections of this report.

6.1.1 Reduction in Street Solicitation

During the interviews with stakeholders from the Criminal Justice System, the community and persons engaged in prostitution, one recurring theme emerged: there had been a significant decrease in the visibility of the street trade in Halifax since Bill C-49 was implemented. It was interesting, however, that less than one half of the people interviewed in Halifax perceived the law as an effective deterrent. This apparent contradiction may be explainable in terms of a reticence on the part of stakeholders to state that the law was an effective deterrent when they did not know where the prostitutes had gone and whether or not they would return to the streets.

Exhibit 6.1 displays stakeholder perceptions regarding the effectiveness of the law in deterring customers and prostitutes. Less than one half (44 to 45 per cent) of the respondents perceived the law as having been effective in deterring either customers or prostitutes. A variety of reasons were given for this lack of effectiveness. Respondents from the police and Crown remarked that the lack of punitive measures, other than relatively small fines, had resulted in de facto regulation/licensing of prostitution. The remaining respondents from the Criminal Justice System and those from the community who felt that the legislation had been ineffective as a deterrent on customers and prostitutes believed that the nature and underlying reasons for prostitution were such that criminal laws could not be particularly effective as deterrents.

EXHIBIT 6.1
Perceptions of the Deterrence of Bill C-49 on Customers and Prostitutes

	CUSTOMERS			PROSTITUTES		
	Effective	Neither	Ineffective	Effective	Neither	Ineffective
Respondents from the Criminal Justice System	9	6	2	7	7	4
Community	5	8	2	8	4	3
Total	14	14	4	15	11	7

Exhibit 6.2 presents stakeholder perceptions regarding the effectiveness of the law in meeting its primary objective of eliminating street prostitution. Approximately equal proportions of respondents rated the law as effective (46 per cent) and ineffective (40 per cent). It is interesting to note that only about one third

(35 per cent) of respondents from the Criminal Justice System perceived the law as effective compared with approximately 59 per cent of respondents from the community. Similarly, 65 per cent of respondents from the Criminal Justice System believed the law was ineffective in eliminating street prostitution compared to only 12 per cent of respondents from the community.

EXHIBIT 6.2
Perceptions of Effectiveness of Bill C-49 in Eliminating Street Prostitution

	Effective	Neither	Ineffective	Total
Respondents From:				
The Criminal Justice System	7	-	13	20
Community	10	5	2	17
Total	17	5	15	37

A comparison of the street counts conducted in 1987 with observations reported by N. Crook in 1984 indicates that the visibility of street prostitution in Halifax has substantially declined since Bill C-49 was implemented. We believe this decline can be directly attributed to the legislation as the interviews with respondents did not elicit any conflicting explanations which could account for the sharp decline observed in the street trade.

A further piece of evidence which suggests that the legislation was effective in reducing, if not eliminating, street prostitution in Halifax can be derived by examining trends in the quarterly arrest statistics. For example, the number of charges increased between December, 1985 and December, 1986 (especially after June), but then

declined sharply between January and May, 1987 (i.e., when the law was overturned in Halifax). Information derived from media reports and interviews with stakeholders suggests that the numbers of female prostitutes had sharply declined by 1987. This perceived decline in the numbers of visible street prostitutes could account for the sharp reduction in the numbers of arrests (see Exhibit 3.2).

Since the law was overturned in May, 1987, however, there has been a noticeable increase in street prostitution. A comparison of the street counts conducted in June with those conducted in August shows a significant increase, especially along the Hollis/Barrington streets stroll. During the interviews with respondents from the Criminal Justice System, the community and persons engaged in prostitution, a general consensus emerged that there was a noticeable increase in the number of street prostitutes especially after July. It was also expected that there would be a greater influx of prostitutes from Toronto and Montreal as word spreads that the law had been overturned in Halifax.

Thus, while the law appeared to have been effective in the reduction of street prostitution, changes in the status of Bill C-49 as a result of jurisprudence in Halifax are contributing to an increase in the incidence and visibility of street prostitution in the city. The results of the Crown's appeal of the Skinner case to the Supreme Court of Canada will not be felt until at least 1988. Regardless of the outcome of this appeal, one can expect that the ruling will have a major impact on the incidence of street prostitution, especially along the primary heterosexual stroll (i.e., Hollis/Barrington Streets).

6.1.2 Modification of Police Practices

One of the primary objectives of Bill C-49 was to explicitly recognise the culpability of customers for the incidence of street prostitution in Canada. The intended impact of this recognition was a modification of police practices such that customers and prostitutes were treated equally under the law.

All of the respondents from the Halifax police department perceived that the law had been applied equally to customers and prostitutes, both heterosexual and homosexual. A review of police files, however, showed that 76 per cent of the charges in Halifax were laid against prostitutes compared to only 16 per cent of the charges having been laid against customers (see Exhibit 3.2). Broken down by gender and role, the arrest statistics showed that only eight and one half per cent of the total number of charges in Halifax were laid against male prostitutes, while 68 per cent of the charges were laid against female prostitutes (see Exhibit 4.7).[1] One would not expect equal numbers of charges laid against male and female prostitutes, especially given that female prostitutes outnumber male prostitutes by a margin of two or three to one. However, the charging rate for female prostitutes was eight times that for males. It was also interesting that none of the charges laid against customers involved males seeking the sexual services of male prostitutes.

Respondents from the Crown noted that the majority of cases had involved prostitutes, but felt that this

---

[1] Nikita Crook remarked that all charges laid against prostitutes prior to 1984 involved female offenders, and that virtually no charges were laid against customers. Thus, police practices have been modified, but not to the extent implied by the law.

reflected the lack of female police officers available to act as decoys (i.e., prostitutes). Respondents from social agencies, who commented on the differential charging of customers and prostitutes (as well as heterosexual and homosexual prostitutes), felt that these differences reflected the dominant societal attitudes toward women and sexuality.

6.1.3 Ease of Application of the Law

The third major intended impact of the law was to ease the application of the law by improving the abilities of the police to lay charges and the Crown to obtain convictions. Given the lack of success experienced by members of the Criminal Justice System in the processing of soliciting charges between 1978 and 1985[1], the laying of 152 charges by police under Bill C-49, and the attainment of an overall conviction rate of 72 per cent for communicating charges represents a significant improvement in the ease with which prostitution related statutes have been applied.

During the initial phase in the implementation of the law there were technical difficulties related to the use of "body packs" (i.e., recording devices) to collect evidence. The "body packs" had not been field tested prior to their use in the collection of evidence, thus there were objections to the admissibility of the evidence. This difficulty was cleared up almost immediately.

The evidentiary requirements for cases processed under s.195.1 were straightforward in Halifax. Basically,

---

[1] The lack of success prior to Bill C-49 was primarily a result of the Hutt decision in which the Supreme Court of Canada determined that a prostitute's behaviour must be pressing and persistent in order to constitute an offence under the soliciting provisions of the Criminal Code.

the identification of the date, time and place of the infraction as well as the identity of the alleged offender and the content of the communication (i.e., specified monetary amounts in exchange for specified sexual services) were the only requirements. The evidence was collected by police decoys, acting either as customers or prostitutes.

There was an abundant supply of male police officers and cadets available to act as customers, thus this strategy was very successful for the application of the law to female prostitutes. There were only two female officers available to act as prostitutes and this seriously impeded the successful application of the law to customers of female prostitutes. The two female officers never worked together, thus female prostitutes started working in groups of two or more in order to frustrate the police strategy.[1]

The cost of using male decoys was significantly less than the cost associated with using female decoys. The use of male decoys required the decoy (who was often a cadet, thus less costly than an officer), a back-up officer recording the conversation, and a rental car. The use of female officers required the decoy and at least two back-up male police officers in an unmarked car.

During the initial phase in the implementation of the law, the Crown and police maintained a substantial level of consultations regarding the evidentiary requirements for convictions. These consultations were perceived as having aided the successful application of the law. In general, then, the evidentiary requirements were not seen as impediments to the application of the law.

---

[1] It became common knowledge that lone women could be policewomen acting as prostitutes. Thus, customers were more likely to approach prostitutes working in groups.

The definition of vehicles as public places for the purposes of this law clearly aided the application of the law in Halifax. At least 26 per cent of the charges involved offenses in automobiles.[1]

Sentencing of offenders was limited primarily to fines ranging from $100 to $600. The vast majority of offenders received fines of $100 plus $10 for court costs. These relatively low levels of fines[2] may have had negative impacts on the application of the law, especially given the relative ease with which the fines could be paid. Sentencing of juveniles was confined primarily to probation orders including area restrictions. The degree to which these orders aided the application of the law is difficult to ascertain. In the case of at least one juvenile prostitute this strategy was not effective as she continued to work the stroll after her second time. The sentence at her second conviction was identical to the sentence for her first conviction (i.e., 12 months probation with area restrictions).

6.2 Unintended Impacts and Effects

As with any program or legislative change there may be impacts and effects which were not intended. In this

---

[1] Only those cases in which the occurrence reports specifically mentioned that the alleged offender had entered the vehicle were coded as offenses taking places in automobiles. This practice probably understated the total number of cases in vehicles.

[2] The statutory maximum for sentences handed down to offenders convicted of a summary offense is $2,000 and/or six months incarceration. The levels of fines levied against offenders in Halifax were far below this statutory maximum.

section we explore both those unintended impacts and effects which were anticipated as probable to critics of the legislation, and those which were not foreseen.

6.2.1 Anticipated Unintended Impacts and Effects

The most widely expressed unintended impact and effect of Bill C-49 anticipated by lobby groups and members of the Criminal Justice System[1] was an expectation that street prostitution would be pushed underground and thus become more dangerous.

This belief stemmed from the perception that as Bill C-49 drove street prostitution (especially female and juvenile prostituion) further underground, what ever modicum of security and protection prostitutes derived from their visibility on the streets would be significantly reduced. The transition to a more underground environment was perceived by respondents from social agencies as having increased the risks to prostitutes of violence from both pimps and customers. During the field work for this study, however, we did not find any hard evidence to suggest that prostitution had moved to an "underground" environment. We did encounter numerous accounts of violence perpetrated against prostitutes by customers and pimps. We also encountered numerous examples of prostitutes utilising a variety of off street alternatives for making contacts with customers (e.g., classified advertisements, calling cards, etc.).

Given the <u>de facto</u> criminalization of prostitutes' activities with Bill C-49, it was also believed that the

---

[1] Members of the Halifax police did not express this concern, however, the Canadian Association of Police Chiefs had noted this possibility.

tenuous relationship of trust established between prostitutes and members of the police would be broken. No longer able to rely upon the police, it was felt that prostitutes would become more reliant upon pimps for protection from violence directed at them by johns. Similarly, prostitutes would rely upon pimps for information regarding decoys. We found some evidence to suggest that the legislation had adversely affected the relationship of trust between some of the prostitutes and the police. We did not find any evidence, however, to suggest that this had driven prostitutes further into the web of control exercised by pimps. Traditionally, the Halifax street scene has had a high degree of pimp involvement. The evidence does not suggest that Bill C-49 has contributed to an increase in this phenomenon.

The legislation was intended to remove prostitution from the streets. One of the more ironical unintended impacts of the legislation, according to prostitutes that we interviewed as well as respondents from social services agencies and defense counsel, was that prostitutes ended up turning more tricks in order to make up for lost income and to pay the fines they received as a result of the new law.

Prostitutes also perceived that there had been increases in indoor activities such as escort agencies and massage parlours as well as contacts made in hotels, bars and even classified advertisements. While the authors of the Bill did not explicitly intend movement of the prostitution trade indoors, there were numerous groups (e.g., Canadian Advisory Council on the Status of Women) who believed that an "escape valve" from the streets was necessary. Thus, the fact that the common Bawdy House provisions of the Criminal Justice Code were not pursued to

the same degree as s.195.1 indicates that a potential escape valve was provided, although not as an explicit intended consequence on the part of the Halifax police.[1]

There were also problems with the use of decoys to enforce the law. The police related a number of problems encountered in the implementation of the law in Halifax. For example, it was noted that male decoys became easily recognised by the women working the streets. This necessitated that a large pool of cadets and uniformed officers had to be rotated onto the streets as decoys. There was not, however, a large reserve of females available to use as decoys. The female decoys were quickly identified by the women working the streets and this created a situation where the police were concerned about the safety of the female decoys.

The final unintended impact of the law anticipated by critics of the Bill was that the criminalization of prostitution implied by the law would place prostitutes in a more criminal milieu. During the interviews with prostitutes in Halifax, certain respondents remarked that their experiences with the legislation had made them "feel like criminals", which had not been the case prior to the law. In fact, some respondents from the community and the Criminal Justice System perceived that the law had created a more criminal environment surrounding street prostitution.

---

[1] The respondents from the police department indicated that the costs of conducting an investigation into massage parlours, escort services and common Bawdy Houses were too expensive to justify. They also related that the evidentiary requirements for convictions were major impediments to the successful application of the common Bawdy House provisions of the Criminal Code.

6.2.2 Other Unintended Impacts

The primary unintended impact of major importance in Halifax was that s.195.1(1)(c) was declared null and void in May, 1987 by the Nova Scotia Court of Appeal. This paragraph of the law was ruled inconsistent with the Charter of Rights by three of the four jurists who heard the appeal. The first two paragraphs of the law are still in effect, however, it was generally felt by members of the police and Crown that these two provisions were very poorly worded and would be useless for controlling the incidence of street prostitution.

Finally, the majority of respondents from all sectors in Halifax believed that the legislation had not recognised the need for the establishment of realistic and viable alternatives for persons engaged in street prostitution. Without explicit recognition of the need for, and the provision of, adequate funding to establish viable alternatives, the Bill was doomed to failure in meeting its ultimate objective.

7.0 PROSTITUTION IN ST. JOHN'S NEWFOUNDLAND

As part of this evaluation, it was decided to contrast the situation in Halifax with that in another Maritime city. St. John's was chosen because the 1984 pilot study had indicated that street prostitution, while not perceived as a problem, was increasing.

The research in St. John's was confined primarily to interviews with respondents from the Newfoundland Constabulary, Crown Prosecutor's office and social agencies. There have been no charges laid under s.195.1 since Bill C-49 was passed by Parliament, so police and Crown files were not examined. Street counts were taken on four consecutive nights and impressions of the off street trade were gained by observing bars allegedly frequented by prostitutes. In addition, counts of escort services and massage parlours were taken.

The two strolls in St. John's have not been displaced since the 1984 pilot study. The heterosexual stroll is along Water and Duckworth streets and is centred between the War Memorial and the East end post office.[1] The homosexual stroll is located at the easternmost end of Water Street bounded by the Fisheries Department Station. In the pilot study, Nikita Crook noted that:

> Based on conversations with police, community agency respondents and researcher's observations, an estimated twenty-five women work as prostitutes on the street and in bars; this number included those women who work part-

---

[1] The police also said that some females occasionally work the west end of Water Street near the West end post office. We did not encounter any prostitutes in this area.

> time. Approximately 8 to 10 male prostitutes work on the street in St. John's; most work part-time. (Crook, 1984, p.13)

Street counts were taken between 8 p.m. and midnight on four consecutive nights beginning Tuesday, August 18 and ending Friday, August 21. A total of four adult females and three adult males engaged in prostitution activities were observed during this period. The demeanour of these individuals was very subdued, exhibiting none of the nuisance factors/qualities associated with street prostitution. The women in particular were very restrained, approaching vehicles only after they had cruised past at least two times and parked a short distance from the post office. The women almost appeared to be hiding in the doorways to the post office in order not to be easily seen or recognised.

Two of the women and one of the males were approached to determine the prices charged for sexual services. One woman quoted prices of $15 for oral sex, $25 for intercourse and $100 for the entire night. The second woman quoted prices of $20, $30 and $100 for the same services. The male stated prices of $30 for oral sex and $60 for anal intercourse. These prices were much lower than prices for the same services in Halifax.

The manner of dress among prostitutes in St. John's was much less flashy than found in Halifax. The females were dressed in blue jeans and very plain blouses, while the males were in jeans, sneakers and long sleeved shirts.

Tricks are usually turned in automobiles, either along one of the side streets in the east end or up on Signal Hill (national historic park). There was no evidence

of the involvement of pimps in the street trade, nor were any juveniles observed working the two strolls.

There were five local services cross-listed under both escort services and massage parlours in the Yellow Pages directory. One of these services is no longer in business. A sixth advertisement was for Suzy's Escort Service in Halifax. Observations conducted in the two bars allegedly frequented by prostitutes found no evidence of prostitution activities in either establishment. Similarly, there were no illegal activities associated with the strip clubs in the city.

During the interview with the respondent from the Newfoundland Constabulary, it was discovered that all of the escort services/massage parlours are basically owned by two people. The police maintain extensive intelligence on all of the escorts working in the city, but do not require that the women be registered.

According to the police, A-1 Sylvie's and Emily's are both owned by the same person who moved from Montreal approximately five years ago. Amy Adam's and Ashley's are both owned and operated out of the same location by two women. These two women are purported to rotate escorts into St. John's primarily from Toronto and Halifax.

The police believed that the escort services rely on one or two cab drivers for contacts and to deliver the women to their appointments. While in St. John's we encountered a recurring rumour that one local cab company was offering protection to women working the street.[1] The police said they had no knowledge of any such arrangements.

---

[1] We were unable to substantiate this rumour through discussions with cab drivers or the police.

The police estimated that approximately ten to twelve women and three or four men currently work the streets on a part-time basis in St. John's. The respondent from the police related that this represented a significant decrease since 1984 when there were about six males and 20 females working the streets.[1]

The respondent from the police characterised the women on the streets as "single mothers on social services looking for spending money". He believed that only one of the women could be considered a professional.[2]

We asked respondents from the police and Crown why the law had never been implemented in St. John's. They both indicated that there had never been a strong public outcry regarding street prostitution, thus it was not seen as a problem requiring intervention by the Criminal Justice System. The respondent from the police added that street prostitution did not represent a serious enough problem to justify the redistribution of police resources necessary to enforce the new law. He believed that the evidentiary requirements for convictions under the provisions of Bill C-49 necessitated the use of decoys and that the cost of those types of operations was too high for the department to justify.

We asked all of the respondents in St. John's why there had been a decrease in street prostitution coinciding

---

1 These estimates jibe with estimates elicited from representatives of the Crown and community/social agencies.

2 This particular woman had come to St.John's from Halifax with one of the escort agencies. She wound up in trouble (arrested for narcotics) and ended up working the streets.

with the implementation of C-49. All of the respondents related the same confluence of economic factors as having been responsible for the decrease. These factors included: (i) the fact that Hibernia[1] did not effect economic growth after 1984; (ii) the reduction in Portuguese fishing quotas and the fact that the fleet no longer called at St. John's[2]; (iii) the general downturn in the Newfoundland economy affecting the local demand for prostitutes' services; and (iv) the redevelopment of the downtown core causing an indirect displacement of prostitutes by making housing too costly. Two respondents from social/community agencies also remarked that the disappearance of one of the better known female street prostitutes in 1986 had contributed to the decreased visibility of prostitution as women started moving indoors, taking regular customers only.

Given the general feeling among respondents that there had been a significant decline in the street trade since 1984, we asked where they believed the key actors had gone. All of the respondents believed that the prostitutes had moved to Halifax, Montreal and Toronto as the demand for services declined.

Finally, we asked respondents about the incidence of juvenile prostitution in the city. Only the respondent from the Crown prosecutor's office believed that there were juveniles involved in prostitution in St. John's. He remarked that youths picked up on shoplifting charges had

---

1 In 1984, it was expected that the Hibernia oil and gas fields located offshore would produce an economic boom throughout the Maritimes similar to that experienced by Alberta during the 1970's.

2 The Portuguese fleet now makes port in Saint Pierre and Miquelon.

related stories about turning tricks occasionally. No investigations into the incidence of juvenile prostitution have been launched, however, thus there is no hard evidence regarding this problem.

In conclusion, street prostitution in St. John's is limited to a very small minority of individuals who are not perceived as a problem by any groups in the community. Given this general view of street prostitution, it is not surprising that the law was not implemented.

8.0 SUMMARY AND CONCLUSIONS

8.1 Summary of Major Findings

8.1.1 Field Observation

Over the course of the summer (1987) there had been a general increase in the number of persons involved in street prostitution in Halifax. This was especially true for the Hollis/Barrington and Triangle strolls. By August, the women along Hollis/Barrington streets had become much more aggressive and there were numerous examples of the nuisance factors associated with street prostitution (e.g., excessive noise, profanities, large groups of prostitutes working together, heavy traffic, etc.).

The increases in the visibility of prostitution activities and the more aggressive demeanour of the street scene documented over the course of the summer (1987) can be attributed to the altered status of the law in Halifax (i.e., the Nova Scotia Court of Appeal ruling which nullified s.195.1(1)(c)). In a negative sense, these findings indicate that Bill C-49 had been effective in decreasing the visibility of, and nuisances associated with, street prostitution in Halifax prior to the May 22nd ruling.

Coinciding with the changes in the higher visibility and more aggressive demeanour of street prostitutes, the police increased their presence on the strolls. The police strategy appeared to be one of monitoring the street scene and maintaining a higher profile presence in order to discourage customers.

Comparing the current situation to the findings documented in 1984, it appears that the number of prostitutes working the Hollis/Barrington stroll has decreased by about 50 per cent. There also appears to have

been a small decrease in the number of women working the Gottingen street stroll. The volume of activity along the two homosexual strolls, however, does not appear to have declined since 1984. The decreases in the numbers and visibility of female prostitutes since 1984 can be attributed to Bill C-49. Similarly, it is apparent that the new law had virtually no effect on the visibility of the male prostitution street trade in Halifax.

8.1.2 Profile of Prostitutes

There have been interesting changes in the sociodemographic profile of persons engaged in street prostitution since 1984. In terms of age, there has been a small increase in the proportion (if not the actual number) of juveniles involved in the street trade. It was also interesting that one third of the prostitutes currently working the streets in Halifax perceived that there had been significant increases in the juvenile trade since 1984.

There has also been a small increase in the proportion of street prostitutes who are over 25 years of age. The major decrease has been in the proportion of prostitutes between 18 and 24 years of age.

In terms of marital status there has been a substantial increase in the proportion of prostitutes who had been married at least once. In 1984 approximately one quarter of the prostitutes had been married compared with 90 per cent of respondents in 1987. Similarly, the proportion of prostitutes who had at least one child increased by over 100 per cent since 1984.

In terms of national origins, the vast majority of prostitutes in Halifax were born in Halifax (or the Maritimes). This is not particularly surprising as prostitutes in Halifax have traditionally been primarily

from the Maritimes. There was a small increase in the proportion of prostitutes who were born in the United States and the Caribbean.

Regarding employment opportunities, approximately two thirds of the prostitutes in both 1984 and 1987 derived their livelihoods solely from the street scene. The remaining third of the prostitutes maintained other jobs primarily in the low paying service sector.

Finally, in terms of levels of educational attainment, a significantly higher proportion of prostitutes in 1987 indicated having completed high school or attended university than did respondents in 1984. It is important not to overstate this finding, however, as the vast majority had never completed high school.

The profile of prostitutes in Halifax which this study has presented suggests that there are a number of sociodemographic barriers impeding the achievement of its ultimate objective: the elimination of street prostitution. Given the low levels of educational attainment, lack of experience in other employment settings, and the dependence of children (and to some extent spouses) on prostitutes' incomes, it is clear that the vast majority of prostitutes in Halifax have few if any options to their present lifestyles.

It is doubtful that Bill C-49 has contributed in a substantial manner to the changes noted since 1984 in the sociodemographic profile of prostitutes in Halifax. However, these changes certainly have an impact on the probability that the law will achieve its ultimate objective.

8.1.3 Changes in the Street Scene Due to Bill C-49

Location of Tricks

A minority of the respondents involved in the street trade related that they turn more tricks indoors in hotels and trick pads in order to avoid being arrested. A number of prostitutes also related turning more tricks in vehicles. Respondents from the police echoed these findings, however, they did not believe they could be directly attributed to Bill C-49.

Involvement of Pimps and Intermediaries

There is a dearth of hard evidence on this issue. A minority of prostitutes believed that female prostitutes in Halifax increasingly relied on pimps as a result of the law. Respondents from social agencies perceived that the levels of violence and victimisation of female prostitutes by pimps had increased as a result of the law. Members of the police, however, disagreed, noting that pimps have controlled the street trade in Halifax for a number of years and that Bill C-49 had not contributed to either an increase or decrease in the influence of pimps on the streets.

The proportion of prostitutes who related that they had worked for pimps increased significantly between 1984 and 1987, however, this cannot be attributed specifically to the legislation. A small minority of respondents did remark that they had a greater reliance on intermediaries (e.g., cab drivers, hotel clerks) in order to make contacts with clients. This change was directly attributed by the respondents to the effects of the legislation.

Customers

The average number of regular customers reported by prostitutes appears to have risen significantly (by about 30 per cent) since 1984. This is not very surprising as both the customers and prostitutes would feel more comfortable dealing with someone they already knew, rather than risking communication with someone they did not know (who may have turned out to be a police decoy).

3.1.4 Processing of Cases by the Criminal Justice System

In total, 152 charges were processed by the Criminal Justice System in Halifax. Three quarters of the charges were laid against prostitutes, while the remaining charges were laid against customers, pimps and an intermediary.

Approximately three quarters of the charges were laid along the Hollis/Barrington Streets stroll. All but two of the customers charged in Halifax were arrested along this stroll.

All charges against customers were laid during the first three quarters (i.e., between December, 1985 and September, 1986). The largest proportion of charges against customers were laid in the first quarter. Charges against customers declined steadily over the next two quarters. No charges were laid against customers after October, 1986.

In contrast, the proportion of charges laid against female prostitutes increased steadily after the first quarter. Approximately 90 per cent of the charges laid against prostitutes involved female offenders.

In total, only 13 charges were laid against juvenile offenders in Halifax. One of the juveniles was arrested for pimping, while another was charged with seeking the services of a prostitute.

Finally, ten charges were laid against pimps. The vast majority of these charges were withdrawn by Crown counsel.

In one half of all communicating charges, defendants pleaded guilty at their first court appearance. Approximately one third pleaded not guilty, while the remainder either did not enter a plea or failed to appear.

The vast majority (92 per cent) of customers pleaded guilty at their first appearance. In contrast, less than half (43 per cent) of the prostitutes pleaded guilty. Male prostitutes and defendants charged with living off the avails were the least likely to plead guilty.

The overall conviction rate for charges laid under s.195.1 in Halifax was 72 per cent. Approximately 61 per cent of the cases where defendants pleaded not guilty ended in conviction.

The conviction rate for customers was 92 per cent compared with 68 per cent for prostitutes. By gender, the conviction rate for males was 79 per cent, while it was 69 per cent for females.

Cases which ended within five weeks from the date of arrest were more likely to end in conviction than those extending more than five weeks. The conviction rate for cases completed within five weeks was 93 per cent compared with a rate of approximately 71 per cent for cases extending past five weeks.

Finally, the rate of conviction was highest for first time offenders. The rate of conviction for offenders facing their first charge of communicating in Halifax was 75 per cent. The rate of conviction for second time offenders was 64 per cent and only 57 per cent for third time offenders.

The vast majority of cases ending in conviction resulted in fines of $50 to $350. The primary exception was in cases involving juveniles. Juveniles were usually given probation with specific mapping/area restrictions.

8.1.5 Capacity of the Social Services Sector to Meet the Needs of Prostitutes

In general, the social services sector in Halifax has not meet the needs of prostitutes in Halifax. In certain areas such as legal counselling and advocacy, services have been developed specifically for prostitutes. In other areas such as job training and basic shelter, the social services sector has not specifically addressed the needs of prostitutes.

The new Stepping Stone program being administered by the Elizabeth Fry Society represents a major step forward in the provision of services to persons engaged in prostitution. The degree to which this new program will be able to fulfill current expectations, however, will be strongly influenced by the availability of capital and human resources. The intent of Bill C-49 to eliminate, or at least reduce, the incidence of street prostitution requires that positive steps be taken in the provision of viable alternatives to persons engaged in prostitution. Thus, the social services sector has an important role to fulfill, but it has not as of yet received the mandate.

8.2 Conclusions

8.2.1 Reduction in Street Trade

Comparisons of the results of the field observation conducted over the course of the summer with the findings of the 1984 pilot study indicate that there has

been a significant decline in the visibility and overall numbers involved in the street trade in Halifax since Bill C-49 was implemented. The decline is most evident among female street prostitutes. Similarly, the fact that 81 different prostitutes were charged under the provisions of Bill C-49 during 1986 and 1987 suggests that a significant number of prostitutes have left the Halifax streets as there are currently approximately 35 females and about 20 males working the streets.

The perceptions expressed by informants from the police, Crown, social agencies and community members mirrored our findings from the field observation and review of police files. No competing explanations could account for the significant decline in the visibility of street prostitution since 1984, thus lending further credibility to our findings.

Further evidence which suggests that the decline can be directly attributed to the implementation of Bill C-49 can be derived from the increases in the visibility of the street trade we observed over the course of the summer. These increases occurred after the May 22, 1987 Nova Scotia Court of Appeal ruling which nullified S.195.1(1)(c) in Nova Scotia. Thus, the increases can be attributed to the altered status of the law. Once again, no competing explanations for the increases were elicited from informants in either the Criminal Justice System or the community.

It was interesting that informants from the community believed that the legislation had been more effective than did informants in the Criminal Justice System. This may be related to the fact that members of the community primarily see the legislation in terms of immediate outputs (i.e., reduction in visibility), while

members of the Criminal Justice System see the legislation in terms of longer term outcomes.

We did find it interesting, however, that, in general, informants did not believe that the law could be completely effective in eliminating street prostitution. It was generally felt that the elimination of street prostitution required a uniform, multi-pronged approach involving not only the Criminal Justice System, but also social services agencies and employment training programs.

8.2.2 Modification of Police Practices

After reviewing the police arrest reports for the cases processed under S.195.1 and the ten cases processed under s.195.3 in Halifax, it is clear that the law was not equally applied to heterosexual and homosexual prostitutes and customers. Over two thirds of the charges were laid against female prostitutes, while only about 16 per cent of the charges were laid against heterosexual customers and less than ten per cent of the charges were laid against male prostitutes. No charges were laid against customers of male prostitutes.

This is not to say that police practices have failed to change. Prior to Bill C-49, there were virtually no charges laid against either customers or male prostitutes. Any increases represent positive charges.

It is also clear that the disparity in police resources assigned to the control of the various levels of street prostitution can, to a large extent, explain the unequal application of the law reflected in the charging practices of the Halifax police. The fact that only two female officers were available to act as decoys helps to explain the lower proportion of cases involving heterosexual customers. It is more difficult, however, to explain the

fact that all charges against customers were laid between December and September, 1986 while none were laid between October, 1986 and May, 1987. The ratio of charges laid against female prostitutes as opposed to male prostitutes (approximately four to one) can be explained, at least in part, by the fact that female prostitutes outnumbered male prostitutes by a margin of at least three to one. The absence of charges against customers of male prostitutes, however, cannot be explained except in terms of a reluctance on the part of male police officers to pose as male prostitutes.

8.2.3 Ease of Application of the Law

The initial implementation/application of the law went very smoothly in Halifax. In total, 152 charges were laid between December, 1985 and May, 1987. For the 142 charges involving communicating for the purposes of prostitution, an overall conviction rate of 72 per cent was attained.

The paragraph defining vehicles as public places was directly relevant in at least one quarter of the charges laid by Halifax police. Under the previous provisions (i.e., the pre-C-49 soliciting provisions) of S.195.1, these charges would probably have been dismissed.

The application of the law in Halifax did not necessitate the redirection of significant proportions of police or Crown resources from other areas. No members had to be added to the Morality Squad and a large portion of the male decoys were drawn from cadets enrolled in the police academy. Informants from the police department indicated that the only new costs associated with the application of the law in Halifax involved the purchase of

"body packs" (recording devices) used to collect the evidence.

Only one respondent from the Crown prosecutor's office felt competent speaking to the issues of resources and costs associated with the application of the law. He remarked that prostitution related cases accounted for about two per cent of their overall caseloads. He also remarked that the costs of prosecuting cases involving prostitution had significantly decreased with Bill C-49 both in terms of manpower expended on preparation and court time.

Finally, it was generally felt that S.195.1(1)(c) was much more easily applied (prior to the May 22, 1987 ruling by the Nova Scotia Court of Appeal) than any legislation dealing with street prostitution that had preceded it. The evidentiary requirements were seen as easily fulfilled and not impeding the successful application of the law.

8.2.4 Displacement Effects

There was little hard evidence regarding the displacement effects of the legislation. Most of the evidence regarding displacement is therefore suggestive.

The review of classified advertisements in daily newspapers and Yellow Pages' advertisements in the telephone directories revealed that there had been a small amount of growth in the number of escort services operating in and around the city since the legislation was implemented. The number of massage parlours, however, has not increased.

We also found a small increase after the legislation was implemented in the number of classified personal advertisements which were apparently solicitations for customers. A small minority of prostitutes interviewed

in Halifax remarked that they occasionally made use of classified advertising to make new contacts with customers.

We also found that a number of prostitutes worked for escort services and massage parlours at least occasionally. Five women related that they work for these services on a regular part-time basis and that these services operate a circuit in smaller centres throughout the Maritimes.

8.2.5 Juvenile Prostitution

There has been a certain amount of controversy in Halifax regarding the extent to which juveniles are involved in prostitution. Much of this controversy stems from the particular definition used to measure the incidence of juvenile prostitution. On the one hand, some members of social services agencies believe that juvenile prostitution is quite widespread, but remains hidden as it is located primarily in off street locations. On the other hand, the police related that there is almost no evidence of juvenile involvement in the Halifax prostitution scene. Our own evidence lies somewhere between these two polar positions.

First, there is a certain amount of evidence supporting the notion that some juveniles are involved in prostitution in Halifax. The extent of their involvement is, however, very difficult to determine. We observed at least five (and possibly as many as ten) different juveniles working the streets during the summer. We also interviewed two juvenile women working the Hollis/Barrington Streets stroll during the summer. Both of these women have evidently left the stroll as they have not been seen since the late summer.

In the review of case files we found that charges had been laid against eight different prostitutes 16 to 17

years of age. Combining the relatively low levels of juvenile activity observed on the street during the summer with the low number of juveniles charged under the provisions of Bill C-49, we can say with a fair amount of confidence that there is a relatively low level of juvenile involvement in street prostitution in Halifax. We cannot, however, provide any estimates as to the extent of juvenile involvement in the off street prostitution trade.

During the review of Crown files for cases processed through the Criminal Justice System, we found that juvenile offenders were, by and large, given probation orders with specific mapping/area restrictions. The rationale for this approach was to remove them from the street and to make it easier to pick them up a second time if they were seen on the stroll. The extent to which this strategy worked, however, is unclear as eight juvenile prostitutes were charged eleven times (i.e., three juveniles were charged more than once).

8.3 Future Directions

The achievement of the ultimate objective of Bill C-49 must be considered within a broader context than simply whether or not the incidence of street prostitution has been eliminated or at least significantly reduced. There are a number of systemic factors underlying the existence of street prostitution which are resistant to "quick fix" solutions.

Primary among these factors are societal attitudes toward sexuality, with particular respect to women. The demand for impersonal sexual contact in which the only commitment is the exchange of money for sexual gratification reflects certain societal attitudes toward sexuality. While criminal laws may deal with some of the immediate outputs of

such attitudes, they do nothing to change or eliminate the actual attitudes.

The only potentially effective means for altering societal attitudes is through education, yet no concerted state efforts are currently underway in this regard. This lack of action calls into question the level of commitment which the state has to the eventual elimination of street prostitution in Canada.

The second set of systemic factors underlying the existence of street prostitution are more tangible than are societal attitudes toward sexuality. These factors are grounded in the economic realities of life in a post-industrial society in which credentialism has become a prerequisite to securing employment at a liveable wage.

The quantitative and qualitative profiles of prostitutes presented in this report demonstrate that the vast majority of prostitutes lack the educational or vocational training and work experience necessary to secure reasonable employment opportunities. Those prostitutes who were employed had jobs in the low paying service sector.

In order to encourage prostitutes to relinquish their lifestyles, concerted efforts must be undertaken to provide viable alternatives to street prostitution. Persons engaged in prostitution have specific needs which cannot be adequately addressed via omnibus programs directed to the poor or disadvantaged in society.

It has been documented time and again that prostitutes have been, by and large, sexually victimised as children and/or adolescents. The psychological trauma which can result from early childhood victimisation is not addressed by current educational training and lifestyles programs (e.g., Work Options Program).

National program planners and managers are not, on the whole, familiar with the specific educational, training and counselling needs of prostitutes. Until such time as program planners and managers are familiar with these needs, it is doubtful that programs which provide viable alternatives to street prostitutes will be developed.

Along a similar vein, funds earmarked for educational and employment training programming designed specifically for street prostitutes have not been a major priority in Canada. In contrast, funds have been made readily available for the enforcement of laws which stigmatize or punish this particular group of people. If equal funds are made available for educational, employment training, and lifestyles programs for street prostitutes, then it is reasonable to assume that serious inroads into the elimination of street prostitution can be accomplished.

It is not the mandate nor particularly the responsibility of the Criminal Justice System to grapple with these issues. It is, however, within the mandate of the Criminal Justice System to eliminate, or at least reduce, the incidence of street prostitution. Thus, while these issues are not the responsibility of the Criminal Justice System, they must certainly be an area of major concern as they represent serious systemic impediments to the achievement of objectives.

9.0 **BIBLIOGRAPHY**

Advisory Group on Prostitution and Related Issues, "Final Report," City of Halifax, 1987.

Canadian Advisory Council on the Status of Women, "On Pornography and Prostitution". Brief Presented to the Special Committee on Pornography and Prostitution, Ottawa, 1984.

_____. Prostitution in Canada, Ottawa: Advisory Council on the Status of Women, 1984.

Crook, Nikita, A Report on Prostitution in the Atlantic Provinces, WPPP #12, Ottawa: Department of Justice, 1984.

Elizabeth Fry Societies of Canada. "The Impact of the New Legislation Pertaining to Soliciting," (Survey Findings), Ottawa: Elizabeth Fry Society, 1987.

Fleischman, John. A Report on Prostitution in Ontario, WPPP #10, Ottawa: Department of Justice, 1984.

Gemme, Robert, et al., A Report on Prostitution in Quebec, WPPP #11, Ottawa: Department of Justice, 1984.

Lautt, Melanie, A Report on Prostitution in the Prairies, WPPP #9, Ottawa: Department of Justice, 1984.

Lowman, John, Vancouver Field Study of Prostitution, (2 volumes), WPPP #8, Ottawa: Department of Justice, 1984.

National Youth in Care Network. "On the Other Side", Discussion Paper for the National Consultation on Juvenile Prostitution held in Mont Tremblant, P.Q., September, 1987.

Rossi, P.H., Freeman, H.E. and Wright, S.R., Evaluation: A Systematic Approach, London: Sage Publications, 1979.

Special Committee on Pornography and Prostitution, Pornography and Prostitution in Canada, (2 volumes), Ottawa: Minister of Supply and Services, 1985.

Treasury Board of Canada. Principles for the Evaluation of Programs by Federal Departments and Agencies, Ottawa: Minister of Supply and Services, 1981.